UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Deborah S. Hunt
Clerk

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: January 10, 2017

Stacey R. Smith
855 Kalamazoo Avenue, S.E.
Grand Rapids, MI 49507

Re: Case No. 17-1022, *In re: Stacey Smith*
Originating Case No. : 1:16-cv-01381

Dear Sir,

The petition for writ of mandamus or prohibition has been docketed as case number **17-1022** with the caption listed above. If you have not already done so, you must mail a copy of the petition to the lower court judge and counsel for all the other parties.

The filing fee for the petition is $500, which is payable to the Clerk, Sixth Circuit Court of Appeals. If you wish to seek a waiver of the filing fee, a motion for pauper status with a completed financial affidavit is due by **February 9, 2017**. The financial affidavit is available at www.ca6.uscourts.gov (one has been enclosed for your convenience also).

The district court judge to whom this petition refers has been served with this letter.

Sincerely yours,

s/Cheryl Borkowski
Case Manager
Direct Dial No. 513-564-7035

cc: Mr. Thomas Dorwin

IN THE UNITED STATES OF AMERICA.
U.S. DISTRICT COURT.
WESTERN DISTRICT OF THE STATE OF MICHIGAN.
IN THE COUNTY OF KENT.

CASE NO.: 1411012-FH
BEFORE THE HONORABLE: JUDGE BUTH.
MCL 750.520E
AT A SESSION IN THE 17TH JUDICIAL CIRCUIT COURT

MICHIGAN COURT OF APPEALS.

State of Michigan Building
350 Ottawa, NW
Grand Rapids, MI 49503-2349
(616) 456-1167

UNITED STATES SIXTH CIRCUIT COURT OF APPEALS.

Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202
Phone: (513) 564-7000

MR. STACEY R. SMITH
PLAINTIFF (PETITIONER).
PRO SE INFORMA PAUPERIS.

Rebuttal and request for pardon.
The Honorable: Governor Rick Snyder.

VS.

} **BRIEF FOR WRIT OF MANDAMUS EXTRAORDINARE WITH EXHIBITIONS. EXPARTE REQUEST FOR JUDICIAL REVIEW.**

Motion to Intervene in Challenge to Constitutionality of Law.
FED R. APP P.44
Detective Swiercz of the Wyoming Police Department.
28 § U.S.C. 2403.

THE HONORABLE GEORGE S. BUTH P-11479.
DEFENDANT. (RESPONDENT).
______________________________/

IN THE UNITED STATES OF AMERICA.
U.S. DISTRICT COURT.
WESTERN DISTRICT OF THE STATE OF MICHIGAN.
IN THE COUNTY OF KENT.

RECEIVED
JAN - 9 2017
DEBORAH S. HUNT, Clerk

CASE NO.: 1411012-FH
BEFORE THE HONORABLE: JUDGE BUTH.
MCL 750.520E
AT A SESSION IN THE 17TH JUDICIAL CIRCUIT COURT

MR. STACEY R. SMITH
PLAINTIFF (PETITIONER).
PRO SE INFORMA PAUPERIS.

CASE NO.: 1:16-cv-1381.
HON.: PAUL L. MALONEY.

Rebuttal and request for pardon.
The Honorable: Governor Rick Snyder.

VS. } **BRIEF FOR WRIT OF MANDAMUS EXTRAORDINAIRE WITH EXHIBITIONS. EXPARTE REQUEST FOR JUDICIAL REVIEW.**

Motion to Intervene in Challenge to Constitutionality of Law.
FED R. APP P.44
Detective Swiercz of the Wyoming Police Department.
28 § U.S.C. 2403.

(D.O.J.) U.S. ATTORNEY GENERAL'S REFERENCE NO.: 3749088.

THE HONORABLE GEORGE S. BUTH P-11479.
DEFENDANT. (RESPONDENT).

RESUBMITTED AND REVISED 01/03/2017.

______________________________________/

NOW ENTERS THE PLAINTIFF IN RE, with a Writ of Mandamus directed to the defendant under the pending investigation with the Judicial Tenure Commission, JTC: 16-22385, and the Attorney Grievance Commission, AGC: 16-1551, while addressed to the United States Attorney General; The Honorable Mrs. Loretta Lynch, and the Michigan State Attorney General, The Honorable Mr. William Shuette, in challenge to the procedure held at a session in the 17th Judicial Circuit Court on 07/22/2015 – Case number 14-11012-FH. Also, Your Honor, **Please be advised that it has been confirmed that the defendant is scheduled to retire. Date unknown.**

JURISDICTION AND VENUE.

Jurisdiction is conferred by MCL 600.4401, (Mandamus against state officials: The Honorable George S. Buth P-11479 (Presiding Judge), Joshua Kuiper P-66576 (Prosecutor)(Primary), Kevin Bramble P-38380 (Prosecutor) (Primary), Chris Becker P-53752 (Prosecutor), Pablo Cortes P-53757 (Presiding Judge at 62A Judicial District Court were proceedings originated), and Defense Counsel John R. Beason P-34095.

Jurisdiction is also conferred by MCR 3.305 (A) (1), MCR 3.303 (A), MCR 3.303 (A) (2), and MCR 3.303 (C) 1-7, MCR 3.303 (F) (1) (a), MCR 3.303 (F) (2). Jurisdiction is proper as the protected status of Article § 17 of the Michigan Constitution of 1963: **(PRIMA FACIE)**

EXHIBIT (A) -FALSIFIED SELF-INCRIMINATION BY DETECTIVE SWIERCSZ WITH THE AFFIDAVIT FOR PROBABLE CAUSE FOR FELONY COMPLAINT 62A Judicial District Court:

EXHIBIT (B) § 17 ***Self-incrimination; due process of law; fair treatment at investigations***. Sec. 17**. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.** The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed. History: Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964. Former constitution: See Const. 1908, Art. II, § 16.

-Were relief is sought pursuant to said article, and pursuant to 28 U.S.C. § 2254 for Writ of Habeas Corpus: A Petition for Relief from Conviction Sentence, were Proof of Service has been satisfied to the Honorable George S. Buth P-11479 and also under above case number 1:16-cv-1381; U.S. District Court 113 Federal Building 315 West Allegen Street Lansing, Michigan 48933 before the honorable Paul L. Maloney were jurisdiction is also conferred pursuant to MCR 3.303 (F) (1) (A).

PARTIES.

1. Plaintiff is now Stacey R. Smith under state custody through the Michigan Department of Corrections, hereinforth referred to as M.D.O.C. number 961806 from the session held in the 17th Judicial Circuit Court heard by the Defendant the Honorable George S. Buth P-11479 presiding judge now the defendant in case no.: 14-11012-FH under an involuntary guilty plea by defense counsel John R. Beason P-34095.

2. The Kent County Prosecutors Office and the prosecutors involved are Joshua Kuiper P-66576 (Prosecutor) (Primary), Kevin Bramble P-38380 (Prosecutor) (Primary), Chris Becker P-53752 (Prosecutor), along with the Honorable Pablo Cortes P-53757 of the 62A Judicial District Court to where the case originated in cooperation, not collaboration, with Detective Swiercz of the Wyoming Police Department. Also your Honor, please be advised that the Honorable Pablo Cortes is also the Vice Chair of the Judicial Tenure Commission to were a pending investigation is in progress for judicial misconduct: JTC:16-22385. The most proper jurisdiction for plaintiff's actions in this matter falls directly to 28 U.S.C. § 2254 (b1) subsection (bii) as follows:

Circumstances exist that render such process **ineffective to protect the rights of the applicant.** (This is pertinent as I am convinced that all the way up to Chief Justice Robert Young of the Michigan Supreme Court will be in question as I was assured by his General Counsel that the information that I sent in a panic state, and by mistake after discovering the FALSIFIED AFFIDAVIT FOR FELONY COMPLAINT and remitted an AGC complaint form unknowingly to his email and told that it was not compromised as it was reported to my probation officer somehow). Chief Justice Young maintains, from his General Counsel, that the Canons remain preserved.

FACTS AND CONTINUATION OF JURISDICTION AND VENUE.

28 U.S.C. § 2254 (d) (2) stipulates that:

(d)- An application for Writ of Habeus Corpus on behalf of a person in custody, (M.D.O.C.: 961806), pursuant to the judgment of the state court shall be granted with respect to any claim that was adjudicated on the merits in the state court proceedings unless the adjudication of the claim-(2): resulted in a decision that was based on, **EXHIBITS (A) (C) (D) (E) & (F), an unreasonable determination of facts** in light of the evidence presented, (or lack thereof), in the state court proceeding.

EXHIBIT (A) (C) (D) & (F) - after reviewing the case on 11/14/2016, that there was information in the file that I discovered was *false* and not accurate when I read the Affidavit of Probable Cause For Felony Complaints from the 62A District court from a one Detective Swiercz from the Wyoming Police Department stating that I admitted to the elements that he stipulated in the affidavit. THIS IS NOT TRUE AND HE FALSIFIED THIS DOCUMENT TO PROMPT THE ARREST AND CONVICTION THAT I AM CURRENTLY UNDER. After discovery of this document to which I never seen or had knowledge of before or during the case or hearing, it clearly reveals to me that Mr. Joshua Kuiper along with especially Detective Swiercz set out on a campaign to entrap me and destroy my life with *malice*.

EXHIBIT (C) & (E) -In regards to the Felony Complaint, IF YOU WERE TO NOTICE THAT THE DATE OF OCCURENCE DET SWIERCZ PUT ON THE COMPLAINT WAS 04/01/14 AND THEN HE DATED IT FOR 06/01/14. BE ADVISE YOUR HONOR, I DID NOT START THE DAVID'S HOUSE UNTIL 06/13/14 WHICH WAS MY ORIENTATION DATE. THIS IS INCONSISTENT. HE ALSO STATED THAT I WAS THERE ON 06/01/14 AT 18:01 OR 6PM. I NEVER WORKED A SHIFT PASSED 5PM. THIS IS ALSO INCONSISTENT AND MY DEFENSE COUNSEL WAS AWARE AND JUST BRUSHED IT ASIDE WITH OUT CHALLENGING IT. (PLEASE REFER TO WORK SCHEDULE ENCLOSED.) EXHIBIT (F).

28 U.S.C. § 2254 (e) (1): In the proceeding instituted by an application for Writ of Habeus Corpus by a person in custody pursuant to the judgment of the state court, a determination of a factual issue made by a state court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence. **EXHIBIT (B) PRIMA FACIE.**

28 U.S.C. § 2254 (e) (2) (A): The claim relies on- (ii) > a factual predicate that could not have been previously discovered, **EXHIBIT (A),** through the exercise of due diligence; and (B) **the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.**

FORMULA: MCR 6.108 (C) + (D) + (E) = MCR 6.108 (F) + (H). **EXHIBIT (I).**

1. MCR 6.108 (D) – If anything was withheld with reason by prosecution, prosecution should have exercised rule and properly notified Defense Counsel. Prosecution, to my knowledge, did not.

FORMULA:

	(PROSECUTION)	(DEFENSE COUNSEL)
MCR 6.110 (C1) + (2a) + (2b) + (2c) + (2d) =	MCR 6.201 (b2) + (b5) =	MCR 6.201 (b2) + (b5)

The above formula should be equal to: MCR 6.201 (J) = VIOLATION. **EXHIBIT (J).**

28 U.S.C. § 2254 (e) (2) (F): If the applicant challenges the sufficiency of the evidence adduced in such a state court proceeding to support the court determination of factual issue made therein, the applicant, if able, shall produce that part of the record pertinent to a determination of the sufficiency of the evidence to support such determination. It further states:

If the applicant, because of indigence or other reason is unable to produce such part of the record, (THE AFFIDAVIT FOR PROBABLE CAUSE FOR FELONY COMPLAINT THAT I HAD NO

KNOWLEDGE OF AT THE TIME BEFORE OR DURING THE PROCEEDING), then the state shall produce such part of the record and the Federal Court shall direct the state to do so by order.

Discovered FALSIFED SELF-INCRIMINATING AFFIDAVIT FOR PROBABLE CAUSE FOR FELONY COMPLAINT ON 11/14/2016 DURING MY PERSONAL REVIEW OF THE CASE AT THE 17th JUDICAL CIRCUIT COURT. **EXHIBIT (A).**

28 U.S.C. § 2254 (g): A copy of the official records of the state court, duly certified by the clerk of such court to be a true and correct copy of the finding, judicial opinion, or reliable written indica showing such factual determination by the state court shall be admissible in the Federal Court proceeding.

FACTS AND CONTINUATION OF JURISDICTION AND VENUE.

In regards to line 4 of the Motion for Clarity, I was in discovery of the falsified self-incriminating statement were I was supposed to be protected under the Michigan Constitution under: **EXHIBIT (B)**

Article § 17 ***Self-incrimination; due process of law; fair treatment at investigations***. Sec. 17. **No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.** The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed. History: Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964. Former constitution: See Const. 1908, Art. II, § 16.

Where I was cornered, coerced, and entrapped by Detective Swiercz with the 62A Affidavit for Probable Cause for Felony Complaint **EXHIBIT (A)**, while **EXHIBIT (D)**, the video of the police interview shows me denying the charges 3 times in minutes **19:45, 41:35, and 1:01:10 and coercion was used by Detective Swiercz on minutes 33:48, 37:57, and 1:04:40 to entrap me into court with cooperation, not collaboration, by Pablo Cortes P-53757, Joshua Kuiper P-66576, Kevin Bramble P-38380, George S. Buth P-11479, and Defense Counsel P-34095 with malice. Defense Counsel being aware of this should prove his corroboration while denying me a reasonable and proper defense and Judge Buth never challenging or questioning the Detective's methodology, which denies me DUE PROCESS pursuant to Article 17 of the Michigan Constitution. EXHIBIT (B).**

Pursuant to the Government Intervention in Challenge to Constitutionality of Law, this fact should suffice the intervention of this Federal Court for relief and resolve. The petitioner, Plaintiff, Applicant respectfully request complete and total relief of this conviction based on these facts.

COUNT 1 OF MANDAMUS. **EXHIBIT (K)**

ACG: 16-1551. ITEMIZATION: THE HONORABLE GEORGE S. BUTH P-11479.

1. Line 4 of the Motion for Clarity, the judge did not take the inconsistencies into consideration when I stated, "after reviewing the case on 11/14/2016, that there was information in the file that I discovered was <u>false</u> and not accurate when I read the Affidavit of Probable Cause for Felony Complaint from 62A District Court from a one Detective Phillip Swiercz from the Wyoming Police Department, that I admitted to the elements that he stipulated in the affidavit. THIS IS NOT TRUE AND DETECTIVE SWIERCZ FALSIFIED THIS DOCUMENT TO PROMPT THE ARREST AND COVICTION THAT I AM CURRENTLY UNDER. Judge Buth over looked the details of the inconsistencies on the dates on the 62A complaint and the police report were Detective Swiercz stated that the occurrence happened on 04/01/2014on the police report, then put the occurrence date of 06/01/2014 on the 62A Felony Complaint and also stipulated that on 06/01/2014 that I was there at 6pm when I never worked a shift past 5pm. **<u>Please refer to enclosed work schedule.</u>** **EXHIBIT (F)**

2. The judge never acknowledged or questioned that the Discover Motion by Defense Counsel had been completely ignored while Defense Counsel failed to subpoena said DVD in question.

3. Page 2 2nd paragraph of the Motion for Clarity, I stated how the judge re-stated about the charges in a different manner that did not directly pertain to the exact charge as I then plead guilty involuntarily because of Defense Counsel of 4th degree CSC because I realized that I had no way out while Defense Counsel went along with Prosecution and not defending me at all, and then the judge just pushed the case through. ***<u>(NOTE: This occurred off the record as you will see the court reporter entering in a sidebar.)</u>*** I plead guilty, involuntarily because Defense Counsel lied to me and stated, "pleading guilty to CSC 4 that it would not show up on a background check and would only be available to the police and would allow me to get a job without it showing up which sounded like the only way out of this matter. I lost my existing job at the time with Uhaul in the middle of a promotion to Assistant Manager when the charge surface during their background check which was policy and I don't fault Uhaul for following policy. This is one of the reason I felt an investigation was warranted for prosecutorial and judicial misconduct.

4. Being denied proper counsel and being denied (court appointed counsel when proving my indigence is another reason an investigation is warranted). **EXHIBIT (H)**

5. Pages 2 & 3 on the Supplemental Brief in Support of Counter-Complaint were Due Process was violated by the judge not reviewing the police interview and overlooking the inconsistencies which would have brought into question why I denied the allegations 3 times in and the judge should have detected coercion from Detective Phillip Swiercz during the police interview. **EXHIBIT (D)**

6. The judge should have determined that the prosecutor Joshua Kuiper P-66576, purposely mis-identified my statement in minute 49:50 of the police interview as a friendship and allowed the prosecutor to continuate a fabricated charge of MCL 750.520C (1) (H), **EXHIBIT (N),** to enforce the greatest possible charge against me as I stated in the police interview as the victim and I having a friendship not relationship. This was done with ***malice***. The judge stating, "I DON'T CARE. Charge him with gross indecency", during the deliberations between Prosecution and Defense Counsel before the case began. **CANON 2 (B) of the Michigan Judicial Code of Conduct. Was the judge being respectful?**

7. MCR 6.201 (J) VIOLATION: Parties are encouraged to bring into question of noncompliance before the court at the earliest opportunity. (THIS IS MY EARLIEST OPORTUNITY SINCE DEFENSE COUNSEL FAIL TO DO SO). Willful violation by counsel of an applicable discovery rule or an order issued pursuant thereto may subject counsel to appropriate sanctions by the court. The judge should have sanctioned the Prosecutor for malicious attempt to misconstrue defendant's statement in minute 49:50 of the police interview. **EXHIBIT (D)**

COUNT 2 OF MANDAMUS. **EXHIBIT (L)**

ACG: 16-1551. ITEMIZATION: JOSHUA KUIPER P-66576 and KEVIN BRAMBLE P-38380.

1. Joshua Kuiper and Kevin Bramble assisted Detective Swiercz with the knowledge of the falsified Probable Cause Complaint with inconsistencies along with misconstruing minute 49:50 as a relationship when I stated friendship to make it fall under MCL 750.520C (1) (H), **EXHIBIT (N),** to COMPOUND a falsified SELF-INCRIMINATING STATEMENT **EXHIBIT (A),** to ENTRAP me in conjunction with Detective Swiercz with MALICE:

EXHIBIT (B) § 17 Self-incrimination; due process of law; fair treatment at investigations.
Sec. 17. ***No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.*** The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

History:
Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964.
Former constitution:
See Const. 1908, Art. II, § 16.

2. Prosecutor's office and Joshua Kuiper and Kevin Bramble ignored the Discovery Motion when Defense Counsel requested or attempted to examine the DVD, at my request, that Detective Swiercz presented during the police interview. His cooperation and his misconstruing MCL 750.520C (1) (H), **EXHIBIT (N) WITH EXHIBT'S (A) AND (B)** should establish PROOF OF ENTRAPMENT.

3. Prosecutors Office along with Joshua Kuiper and Kevin Bramble denied me Due Process by knowingly allowing a falsified statement with inconsistencies and deviating minute 49:50, **EXHIBIT (D),** of the police interview with the confidence that no one will take notice to coerce and entrap me into court.

4. Prosecution ignored minute 42:50, **EXHIBIT (D),** when I stated that the victim was the persistent initiator twice and did not bring this into question to the victim or themselves intentionally.

5. The other recent occurrence of Joshua Kuipers behavior should also bring into question his ethics:

<u>**For Example, in the event of Joshua Kuiper P-66576 on 12/02/2016 on WOODTV 8 is showing him receiving special treatment for his irresponsibility of driving from a party for Former Prosecutor William Forsyth, hitting a parked car compromising the safety of the general public and having a GRPD police officer who is also responsible for the safety of the general public, assist him in special treatment, (by not providing an on the spot breathalyzer test to capture physical evidence of his alcohol level for prosecution), to help him get away with a CRIME!!!!!!**</u>

COUNT 3 OF MANDAMUS. **EXHIBIT (M)**

ACG: 16-1551. ITEMIZATION: DEFENSE COUNSEL JOHN R. BEASON P-34095.

1. Defense Counsel stated that, "there was nothing else that he could do", when I asked him about clarity in regards to the conditions of my probation when I inquired about WRITTEN AUTHORIZTION to us the computer facility at Michigan Works.

2. Defense Counsel stated, "there was nothing else that he could do", when I mentioned that I was in discovery about the falsified Affidavit Probable Cause for Felony Complaint, **EXHIBIT (A),** that I had no knowledge of before or during the case when I discovered

that Detective Swiercz falsified the affidavit after reviewing the case on 11/14/2016 and brought it to his attention on the same day by dropping off a copy of the affidavit with no later response at all.

3. I mention the first time about the inconsistencies during the case to Defense Counsel and he just brushed it aside and never once challenged it or brought it into question by failing to request a **Probable Cause Conference pursuant to MCR 6.108 during the Preliminary Examination before the case initiated.**

4. Defense Counsel stated on the record that I attested a fourth time that I did not touch the victim's penis on the sentencing transcript.

5. After Defense Counsel submitted the Discovery Motion which had been ignored by the Prosecutor's Office before the case, Defense Counsel failed to submit a subpoena pursuant to MCR 6.108 (C) for examination of the DVD in question that Detective Swiercz placed on the desk during the police interview and used it to COMPOUND COERCION AND ENTRAPMENT. Minute 33:20 of the police interview. **EXHIBIT (D)**

6. Defense Counsel failed in providing me with proper counsel by going along with the wishes of the prosecutor instead of properly accommodating me with a reasonable defense which infringes upon Article 17 of the Michigan Constitution of 1963 as follows: **EXHIBIT (B)**

§ 17 Self-incrimination; due process of law; fair treatment at investigations.
Sec. 17. **No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.** The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.
History:
Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964.
Former constitution:
See Const. 1908, Art. II, § 16.

7. Defense Counsel failed to challenge my denial of the allegations 3 times and resorted to the plea as a quick way to make 2500.00 while bragging that he normally charges 5000.00 dollars for a case of this nature. During the police interview the prosecutor and Defense counsel purposely ignored me denying the allegations 3 times and also ignored the 3 attempts by Detective Swiercz of coercion and entrapment and Defense Counsel never challenge or brought into question the detectives methodology. Defense Counsel also failed to challenge the, FALSE SELF-INCRIMINATING statement that Detective Swiercz used to entrap me. PLEASE REFER TO AFFIDAVIT FOR PROBABLE CAUSE FOR FELONY COMPLAINT. (FALSIFIED). **EXHIBIT (A)**

8. Defense Counsel never challenged the inconsistencies of the dates on the police report or Felony complaint during the case and brushed it aside before the case. Detective Swiercz dated the police report of the occurrence 04/01/2014, **EXHIBIT (E),** and then dated the Felony complaint of the occurrence 06/01/2016, **EXHIBIT (C),** when my work schedule from the David's House shows and proves that I did not start at the David's House until 06/13/2014. (INCONSISTENT). Defense Counsel never brought this into question nor did he challenge it at all. This is pertinent. **For a lack of a better term: Defense Counsel was in bed with the Prosecutor on this with the judge joining them both.**

9. **Defense Counsel Stating to me, "you do know that you will have to register as a sex-offender right?"** Which clearly indicates his intentions to go along with prosecution to state this before the case even began instead of providing me with a proper defense and depriving me of DUE PROCESS ARTICLE § 17 Self-incrimination by allowing the falsified document to go unchallenged. And, **EXHIBIT (H),** the court denying me court appointed counsel while proving my indigence.

10. Defense Counsel failed to discharge defendant and move to dismiss when he should have been in discovery or knowledge of the falsified document, Probable Cause Complaint and the dates on the police report issued by Detective Swiercz and move to dismiss pursuant to MCR 6.108 (E), (F), (H).

FORMULA: MCR 6.108 (C) + (D) + (E) = MCR 6.108 (F) + (H). **EXHIBIT (I)**

11. MCR 6.108 (D) – If anything was withheld with reason by prosecution, prosecution should have exercised rule and properly notified Defense Counsel. Prosecution, to my knowledge, did not.

FORMULA:

MCR 6.110 (C1) + (2a) + (2b) + (2c) + (2d) = MCR 6.201 (b2) + (b5) = MCR 6.201 (b2) + (b5)

The above formula should be equal to: MCR 6.201 (J) = VIOLATION. **EXHIBIT (J)**

Which infers a SANCTION which is absent.

12. I was also denied the opportunity to provide a Defense Impact Statement wo were my Defense Counsel refused.

COUNT 4 OF MANDAMUS. **EXHIBIT (D)**

5. Collectively, this all should display coercion and entrapment and should be recognized as a gross violation of DUE PROCESS:

(A.) By being denied proper counsel and being denied court appointed counsel.

(B.) Defense counsel stating, "You know you will have to register as a sex offender", which clearly displays his intent to go along with prosecution. This was before the case even began.

(C.) In the minutes of the police interview, I denied the occurrence 3 times. And would like to list the minutes in detail for direct reference as I have enclosed the video for review.

ITEMIZATION OF DETAILS IN POLICE INTERVIEW:

MINUTES:

19:45 – DENIED ALLEGATIONS.

20:58 - DETECTIVE AFFIRMING VICTIM'S COGNITION.

22:50 – POLICY (NO).

25:10 – CATHETER.

25:45 – COGNITION.

25:35 – DETECTIVE STATES HE WILL BE RIGHT BACK AND RETURNS WITH BLANK DVD IN AN EFFORT TO COMPOUND COERCION AND ENTRAPMENT.

33:20 – DVD PLACED ON DESK.

33:48 – ACT OF COERCION AND ENTRAPMENT.

35:54 – VICTIM STATES HE WAS NOT APPAULED BY THIS WHICH INFERES THAT SOMEONE ELSE WAS IMPLIES THAT THE ALLEGED ACT WAS UNWANTED.

39:09 – HE IMPLIED TOUCHING.

41:35 – SECOND DENIAL TO ALLEGED CHARGES.

41:58 – I IMPLIED CHEEK TO CHEEK

42:50 – I STATE THAT THE VICTIM WAS THE PERSISTANT INITIANT.

43:46 – THE SAME AS MINUTE 42:50 VICTIM WAS PERSISTANT INITIANT.

45:53 – I DID NOT BRING THIS UP.

EXHIBIT (N) 49:50 – I IDENTIFIED THE INCIDENT AS A FRIENDSHIP NOT RELATIONSHIP. THE DETECTIVE AND PROSECUTOR USED THIS TO MISCONSTRUE THIS TO MAKE IT APPEAR AS A RELATIONSHIP TO FALL UNDER MCL 750.520 C (1) (H).

48:45 – DETECTIVE SWIERCZ USING MISLEADING STATEMENTS IN AN EFFORT TO COERCE AND ENTRAP.

50:35 – CHECKING CATHETER.

52:03 – THE DETECTIVE STATING THAT THERE WAS A NANNY CAM WHICH PROMPTED THE DISCOVERY MOTION BY DEFENSE COUNSEL AND WAS NOT PRODUCED BY PROSECUTION.

53:33 – DETECTIVE NOT BEING TRUTHFUL BY GIVING ME THE IMPRESSION THAT PROSECUTION WOULD DECIDE THE CHARGES AS HE WAS THE ON I DISCOVERED FILE THE PROBABLE CAUSE COMPLAINT WHICH TRIGGERED ARREST AND CONVICTION. (ENTRAPMENT).

1:01:10 – 3RD DENIAL OF ALLEGED CHARGES.

1:04:40 – MISCONSTRUED COERCION.

In summary, your Honor, I denied the charges 3 times on minutes 19:45, 41:35, and 1:01:10 and coercion was used by Detective Swiercz on minutes 33:48, 37:57, and 1:04:40.

WHEREAS THE PLAINTIFF, prays for complete relief and exoneration of this conviction if it so convinces this honorable court. Under the United States Constitution Art. III § 2, this court has jurisdiction because the rights sought to be protected herein are secured by the United States Constitution.

Jurisdiction is proper pursuant to 28 U.S.C. § 1361 under which this court, **this court your honor**, has the power to **compel an officer of the United States to perform his duty**- The District Court to execute mandamus to either the Michigan Court of Appeals, The U. S. Court of Appeals, The Judicial Tenure Commission. The Attorney Grievance Commission, the U. S. Attorney General, the Michigan State Attorney General, but not limited to the defendant or the Kent County Prosecutor's Office or to whomever the Federal Judge deems as necessary or proper to come a resolve.

Also, your honor, please also be advised that retaliation is imminent after your decision.

NOTARY AND PROOF OF SERVICE.

OF BRIEF FOR WRIT OF MANDAMUS WITH EXHIBITIONS.

ATTENTION NOTARY: SIGNATURE OF MR. STACEY R. SMITH ONLY.

SUBSCRIBED AND SWORN BEFORE ME THIS 4th DAY OF Jan 2017

IN THE COUNTY OF:

Kent, [signature]

COUNTY SIGNATURE OF NOTARY

SEAL OF NOTARY:

SHONDA JAMES
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF KENT
MY COMMISSION EXPIRES 08/05/2019
Acting in the County of Kent

STAMP OF NOTARY, MY COMMISSION EXPIRES.

[signature]

SIGNATURE OF MR. STACEY R. SMITH ONLY

PROOF OF SERVICE.

I certify under the penalty of perjury of the State of Michigan, that I mailed a true copy of this document to the addresses above on this 4th day of January 2017 A.D. by US first class mail.

Mr. Stacey R. Smith
855 Kalamazoo Ave SE
Grand Rapids, Michigan 49507.
616-350-5709.

01/03/2017.

PROOF OF SERVICE.

U.S. District Court for the Western District of Michigan.
399 Federal Building
110 Michigan Ave NW
Grand Rapids, Michigan 49503.

1:16-cv-1381
HON.: Paul L. Maloney.

The Honorable: George S. Buth P-11479.
Kent County Courthouse.
Suite No.: 12200A.
180 Ottawa Ave NW
Grand Rapids, Michigan 49503.
616-632-5020.

Governor Rick Snyder.
P.O. Box 30013
Lansing, Michigan 48909.

The United States Department of Justice.
The United States Attorney General.
The Honorable: Mrs. Loretta Lynch.
950 Pennsylvania Ave NW
Washington D.C. 20530-0001.
202-514-2000. V.

JTC No.: 16-22385.
AGC No.: 16-1551.

Michigan State Attorney General's Office.
Michigan State Attorney General.
The Honorable: Mr. William Schuette.
G. Mennen Williams Building, 7th Floor.
525 W Ottawa ST.
P.O. Box 30212.
Lansing, Michigan 48909.
517-373-1110 V.
517-373-3042 F.

(THE JUDICIAL TENURE COMMISSION)
3044 W. Grand Blvd
Detroit, Michigan 48202.
313-875-5110. V.
313-875-5154. F.
judicialtenure@courts.mi.gov
http://jtc.courts.mi.gov

(ATTORNEY GREIVANCE COMMISSION).
Buhl Building LLC.
535 Griswold St.
Detroit, Michigan 48226.
313-961-6585. V.
http://www.agcmi.org/

The White House.
The President of the United States of America.
1600 Pennsylvania Ave NW
Washington, DC 20500.
202-456-1414.

U.S. District Court.
ATTENTION: Magistrate Judge: Ray Kent.
113 Federal Building.
315 West Allegen St.
Lansing, Michigan 48933.

PROOF OF SERVICE.

To the above mentioned and to the:

Honorable: George S. Buth.

As required and informed by:

The Court Clerk of the

U.S. District Court.
113 federal Building
315 West Allegen Street.

Lansing, Michigan 48933.

PROOF OF SERVICE.

I certify under the penalty of perjury of the United States of America and State of Michigan, that I mailed a true copy of this document to the addresses above on this 6th **day of** January **2017 A.D. by US first class mail.**

______________________________.
SIGNATURE OF MR. STACEY R. SMITH ONLY.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STACEY R. SMITH,

Plaintiff,

v.

GEORGE S. BUTH,

Defendant.

Case No. 1:16-cv-01381-PLM-RSK

Hon. Paul L. Maloney

ORDER REJECTING PLEADING

The Court has examined the following document(s) received December 21, 2016 and orders the Clerk to reject the Complaint for Writ of Mandamus and return the document(s) to Stacey R. Smith for the reason(s) noted below:

Plaintiff's cause of action is based uon a 'Complaint of judicial misconduct or disability.' This submission is a complaint to initiate a different cause of action.

IT IS SO ORDERED.

Dated: December 22, 2016

/s/ Ray Kent
RAY KENT
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STACEY R. SMITH,

Plaintiff,

v.

GEORGE S. BUTH,

Defendant.
_______________________________________/

Case No. 1:16–cv–01381–PLM–RSK

Hon. Paul L. Maloney

ORDER REJECTING PLEADING

The Court has examined the following document(s) received December 19, 2016 and orders the Clerk to reject the Miscellaneous Documents and return the document(s) to Stacey R. Smith for the reason(s) noted below:

Stacey R. Smith has submitted documents which are nonsensical in nature. If Stacey R. Smith intends for such documents to be used as exhibits, he must submit the documents attached to a pleading, motion or brief, specifically setting out the purpose and relevance to this case.

IT IS SO ORDERED.

Dated: December 22, 2016

/s/ Ray Kent
RAY KENT
U.S. Magistrate Judge

STATE OF MICHIGAN
62A DISTRICT COURT

AFFIDAVIT OF PROBABLE CAUSE
FOR FELONY COMPLAINTS

CASE NO.
Exhibit (A)

2650 DEHOOP AVE SW WYOMING MI 49509
Court Address

(616) 257-9814
Court Telephone

Police Agency: Wyoming
Complaint Number: 14-29462 Date: 10/30/14
Charge: CSC 2ND
Defendant: Stacey Rond./ Smith 3/12/69

Describe the events proving the elements of crime charged:

Δ did engage in sexual contact w/ another person who is mentally disabled + Δ being in a position of authority over the victim

Probable cause to arrest defendant:

Δ being a therapist to victim, helping to work range of motion of muscles. Victim is mentally disabled and confined to a wheel chair. Δ did admitt to kissing the victim and also placing his hand down the victims pants to adjust catheter. Δ admitt fixing catheter was not his job. Victim reported the touching of his penis + kissing, was not consensual

[signature]
Arresting Officer

Subscribed and sworn to before me on 10/30/14, Date Year

Probable Cause Found: (Y) N

[signature]
Signature of Notary/Judge/Magistrate

MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 327 of 2016
House: Adjourned until Wednesday, January 11, 2017 12:00:00 PM
Senate: Adjourned until Wednesday, January 11, 2017 12:00:00 PM

Article I § 17

friendly link Printer Friendly

Exhibit (B)

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 17 Self-incrimination; due process of law; fair treatment at investigations.

Sec. 17.

No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

History: Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964
Former Constitution: See Const. 1908, Art. II, § 16.

Exhibit (C)

JM

STATE OF MICHIGAN 82A DISTRICT COURT	COMPLAINT FELONY	CASE NO.: DISTRICT: CIRCUIT:

Circuit Court ORI: MI-410025J

THE PEOPLE OF THE STATE OF MICHIGAN v	Defendant's name and address SMITH, STACEY RENDIL 1632 HAVANA AVENUE SW WYOMING, MI 49509	Victim or complainant KEVIN HENRY HEYS
Co-defendant(s)		Complaining Witness OFFICER PHILIP SWIERCZ
		Date: ON OR ABOUT 06/01/2014

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
WYOMING	KENT		41 14 012630 99		03/12/1969

Police agency report no.	Charge	Defendant DLN	Location	Maximum Penalty
WY1429462	See below	S530777734189	2387 BANNER DR SW	See below

Witnesses

OFFICER PHILIP SWIERCZ	OFFICER ANTHONY JACOBS	OFFICER MITCHELL VELDMAN
KEVIN HENRY HEYS	KYLE HENRY HEYS	GWENDOLYN HEYS
ANN MARIE BRAFORD	RUTH ANNE BONFIGLIO	LENNY TREECE
DR GIBIBALDI	DR STEVEN PASTYRNUK	DR TIMOTHY ROYER

STATE OF MICHIGAN, COUNTY OF KENT

The complaining witness says that on the date and at the location described above, the defendant, contrary to law,

COUNT 1

CRIMINAL SEXUAL CONDUCT SECOND DEGREE (MENTALLY DISABLED-RELATIONSHIP)

did engage in sexual contact with another person, to-wit: KEVIN HEYS, said victim being mentally disabled, and said defendant being in a position of authority over the victim and used this authority to coerce the victim to submit; contrary to MCL 750.520c(1)(h). [750.520C1H]

SORA NOTICE

This is a Tier II offense under the Sex Offender Registration Act (SORA) if the victim is 13 or older. MCL 28.722(u)(ix) & (x). It is a Tier III offense if victim is under 13. MCL 28.722(w)(v). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(u)+(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years; mandatory AIDS/STD testing; DNA to be taken upon arrest.

COUNT 2

CRIMINAL SEXUAL CONDUCT SECOND DEGREE (MENTALLY DISABLED-RELATIONSHIP)

did engage in sexual contact with another person, to-wit: KEVIN HEYS, said victim being mentally disabled, and said defendant being in a position of authority over the victim and used this authority to coerce the victim to submit; contrary to MCL 750.520c(1)(h). [750.520C1H]

SORA NOTICE

This is a Tier II offense under the Sex Offender Registration Act (SORA) if the victim is 13 or older. MCL 28.722(u)(ix) & (x). It is a Tier III offense if victim is under 13. MCL 28.722(w)(v). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(u)+(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years; mandatory AIDS/STD testing; DNA to be taken upon arrest.

Exhibit (C)

COUNT 3

CRIMINAL SEXUAL CONDUCT SECOND DEGREE (MENTALLY DISABLED-RELATIONSHIP)

did engage in sexual contact with another person, to-wit: KEVIN HEYS, said victim being mentally disabled, and said defendant being in a position of authority over the victim and used this authority to coerce the victim to submit; contrary to MCL 750.520c(1)(h). [750.520C1H]

SORA NOTICE

This is a Tier II offense under the Sex Offender Registration Act (SORA) if the victim is 13 or older. MCL 28.722(u)(ix) & (x). It is a Tier III offense if victim is under 13. MCL 28.722(w)(v). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(u)+(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years; mandatory AIDS/STD testing; DNA to be taken upon arrest.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on: 10/30/2014
Date

By: [signature]

Complaining witness signature

Subscribed and sworn to before me on
Date

Judge/Magistrate/Clerk Bar no.

EXHIBIT (E)

Wyoming Police Department

CASE REPORT

2300 DeHoop, S.W.
Wyoming, MI 49509

6pm shift 3pm-5pm

CASE # 2014-00029462

ASSOCIATED CASE #

Suspect

EVENT

REPORTED DATE/TIME		Offense Type	CASE STATUS AT TIME OF REPORT
10/07/2014	16:05	CSC	Open

OCCURRED FROM DATE/TIME		OCCURRED TO DATE/TIME		LOCATION OF OCCURRENCE/PREMISE TYPE
04/01/2014	18:01	10/07/2014	16:05	2387 BANNER DR SW, # 670 WYOMING 49509

OFFENSES

DESCRIPTION	ATTEMPT/COMMIT
1177 CSC 2ND DEGREE -FORCIBLE CONTACT	Completed

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)	PRIMARY PHONE
Suspect	SMITH, STACEY Rendi l	238-6437

ADDRESS:

6' 5" 240Lbs

DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR
3/12/69	30	M	B	6 0	200	Brown	Black

DL NUMBER/STATE	SSN	Other Contact Info
	--	

FBI NUMBER	BID NUMBER	CITATION NUMBER	ALIAS (LAST, FIRST, MIDDLE) /AKA

SCHOOL/EMPLOYER, ADDRESS AND PHONE #: HEALTH CARE ASSOCIATES, (616)531-9973

PHONE #2: PHONE #3:

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)	PRIMARY PHONE
Victim	HEYS, KEVIN HENRY	

ADDRESS: [redacted]

DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR
[redacted]	[redacted]	[redacted]					

DL NUMBER/STATE	SSN	Other Contact Info
[redacted]	--	

FBI NUMBER	BID NUMBER	CITATION NUMBER	ALIAS (LAST, FIRST, MIDDLE) /AKA

SCHOOL/EMPLOYER, ADDRESS AND PHONE #:

PHONE #2: PHONE #3:

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)	PRIMARY PHONE
Witness	HEYS, KYLE HENRY	[redacted]

ADDRESS: [redacted]

DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR
[redacted]	[redacted]	[redacted]					

DL NUMBER/STATE	SSN	Other Contact Info
[redacted]	--	

FBI NUMBER	BID NUMBER	CITATION NUMBER	ALIAS (LAST, FIRST, MIDDLE) /AKA

SCHOOL/EMPLOYER, ADDRESS AND PHONE #:

PHONE #2: PHONE #3:

REPORTING OFFICER	DATE	REVIEWED BY
Jacob, Anthony 4868	10/07/2014	Hunt, David

Wyoming Police Department

CASE REPORT
2300 DeHoop, S.W.
Wyoming, MI 49509

6PM Shift 3PM-5PM

CASE # 2014-00029462

ASSOCIATED CASE # Exhibit (E)

EVENT

REPORTED DATE/TIME	Offense Type	CASE STATUS AT TIME OF REPORT
10/07/2014 16:05	CSC	Open

OCCURRED FROM DATE/TIME	OCCURRED TO DATE/TIME	LOCATION OF OCCURRENCE/PREMISE TYPE
04/01/2014 18:01	10/07/2014 16:05	2387 BANNER DR SW, # WYOMING 49509

OFFENSES

DESCRIPTION	ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)	PRIMARY PHONE
Parent	HEYS, GWENDOLYN	[redacted]

ADDRESS: [redacted]

PHONE #2:

DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR	PHONE #3
[redacted]	[redacted]	[redacted]						

DL NUMBER/STATE	SSN	Other Contact Info
[redacted] [redacted]	--	

FBI NUMBER	SID NUMBER	CITATION NUMBER	ALIAS (LAST, FIRST, MIDDLE) /AKA

SCHOOL/EMPLOYER, ADDRESS AND PHONE #

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)	PRIMARY PHONE
Other	BRAFORD, ANN MARIE	[redacted]

ADDRESS: [redacted]

PHONE #2:

DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR	PHONE #3
[redacted]	[redacted]	[redacted]				[redacted]	[redacted]	

DL NUMBER/STATE	SSN	Other Contact Info
[redacted] [redacted]	--	

FBI NUMBER	SID NUMBER	CITATION NUMBER	ALIAS (LAST, FIRST, MIDDLE) /AKA

SCHOOL/EMPLOYER, ADDRESS AND PHONE #

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)	PRIMARY PHONE
Other	BONFIGLIO, RUTH ANNE	[redacted]

ADDRESS: [redacted]

PHONE #2:

DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR	PHONE #3
[redacted]	[redacted]	[redacted]						

DL NUMBER/STATE	SSN	Other Contact Info
[redacted] [redacted]	--	

FBI NUMBER	SID NUMBER	CITATION NUMBER	ALIAS (LAST, FIRST, MIDDLE) /AKA

SCHOOL/EMPLOYER, ADDRESS AND PHONE #

REPORTING OFFICER	DATE	REVIEWED BY
Jacob, Anthony 4868	10/07/2014	Hunt, David

Wyoming Police Department

CASE REPORT
2300 DeHoop, S.W.
Wyoming, MI 49509

CASE# 2014-00029462

ASSOCIATED CASE# Exhibit (E)

EVENT

REPORTED DATE/TIME	Offense Type		CASE STATUS AT TIME OF REPORT
10/07/2014 16:05	CSC		Open
OCCURRED FROM DATE/TIME	**OCCURRED TO DATE/TIME**	**LOCATION OF OCCURRENCE/PREMISE TYPE**	
04/01/2014 18:01	10/07/2014 16:05	2387 BANNER DR SW, # WYOMING 49509	

OFFENSES

DESCRIPTION	ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)							PRIMARY PHONE
Other	TREECE, LENNY							[redacted]
ADDRESS								**PHONE #2**
								[redacted]
DOB	**AGE or AGE RANGE**	**SEX**	**RACE**	**HEIGHT or RANGE**	**WEIGHT or RANGE**	**EYES**	**HAIR**	**PHONE #3**
		M	U					
DL NUMBER/STATE		**SSN**		**Other Contact Info**				
		--						
FBI NUMBER	**SID NUMBER**	**CITATION NUMBER**		**ALIAS (LAST, FIRST, MIDDLE)/AKA**				
SCHOOL/EMPLOYER, ADDRESS AND PHONE #								

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)							PRIMARY PHONE
ADDRESS								**PHONE #2**
DOB	**AGE or AGE RANGE**	**SEX**	**RACE**	**HEIGHT or RANGE**	**WEIGHT or RANGE**	**EYES**	**HAIR**	**PHONE #3**
DL NUMBER/STATE		**SSN**		**Other Contact Info**				
FBI NUMBER	**SID NUMBER**	**CITATION NUMBER**		**ALIAS (LAST, FIRST, MIDDLE)/AKA**				
SCHOOL/EMPLOYER, ADDRESS AND PHONE #								

SUBJECT

SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE)							PRIMARY PHONE
ADDRESS								**PHONE #2**
DOB	**AGE or AGE RANGE**	**SEX**	**RACE**	**HEIGHT or RANGE**	**WEIGHT or RANGE**	**EYES**	**HAIR**	**PHONE #3**
DL NUMBER/STATE		**SSN**		**Other Contact Info**				
FBI NUMBER	**SID NUMBER**	**CITATION NUMBER**		**ALIAS (LAST, FIRST, MIDDLE)/AKA**				
SCHOOL/EMPLOYER, ADDRESS AND PHONE #								

REPORTING OFFICER	DATE	REVIEWED BY
Jacob, Anthony 4868	10/07/2014	Hunt, David

10-15-14;04:27PM;

Caregiver Monthly Schedule

4/28/2014 - 11/9/2014

Orientation Hire Date Exhibit (F)

Smith, Stacey

1632 Havana Ave SW
Wyoming, MI 49509

06-01-14

Inconsistent.

06-10-14

06-13-14

June 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		3	4	5	6	7
		10	11	12	13	14
Date of occurrence in complaint by Det. Swiercz				C 9:00AM-9:15AM (0.25) Inservices, Training-HHA	Orientation my 1st day at David's House ... WE	C 12:00AM-7:00AM (7.00)
		17	18	19	20	21
		C 3:00PM-5:00PM (2.00) David's House, -HHA		C 3:00PM-5:00PM (2.00) David's House, -HHA	C 11:00PM-12:00AM (1.00) K- WE	C 12:00AM-7:00AM (7.00) WE ... Kuth... WE
		24	25	26	27	28
		C 3:00PM-5:00PM (2.00) David's House, -HHA		C 3:00PM-5:00PM (2.00) David's House, -HHA	C 7:00PM-11:00PM (4.00)	C 12:00AM-7:00AM (7.00) K ... WE
		1	2	3	4	5
		C 3:00PM-5:00PM (2.00) David's House, -HHA		C 3:00PM-5:00PM (2.00) David's House, -HHA	C 7:00PM-11:00PM (4.00)	C 12:00AM-7:00AM (7.00) WE

;616 531 5852 # 27/ 6

Caregiver Monthly Schedule

4/28/2014 - 11/9/2014

Exhibit (E)

Smith, Stacey

1632 Havana Ave SW
Wyoming, MI 49509

July 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
[illegible]	30	1 C 3:00PM-5:00PM (2.00) David's House, -HHA	2	3 C 3:00PM-5:00PM (2.00) David's House, -HHA	4 C 7:00PM-11:00PM (4.00) C 11:00PM-12:00AM (1.00)	5 C 12:00AM-7:00AM (7.00) [illegible] C 11:00PM-7:00AM [illegible]
[illegible]	7	8 C 3:00PM-5:00PM (2.00) David's House, -HHA	9	10 C 3:00PM-5:00PM (2.00) David's House, -HHA	11 C 7:00PM-11:00PM (4.00) C 11:00PM-12:00AM (1.00)	12 C 12:00AM-7:00AM (7.00) [illegible] C 11:00PM-7:00AM (8.00)
[illegible]	[illegible]	[illegible]	[illegible]	17 S 3:00PM-5:00PM (2.00) David's House, -HHA	18 C 7:00PM-11:00PM (4.00) [illegible]	19 C 12:00AM-7:00AM (7.00)
20	21	22	23	24 C 3:00PM-5:00PM (2.00) David's House, -HHA	25 C 7:00PM-11:00PM (4.00) C 11:00PM-12:00AM [illegible]	26 C 12:00AM-7:00AM (7.00) [illegible] C 11:00PM-7:00AM (8.00)
27	28	29	30	31 S 3:00PM-5:00PM (2.00) David's House, -HHA	1 C 7:00PM-11:00PM (4.00) C 11:00PM-12:00AM (1.00)	2 C 12:00AM-7:00AM (7.00) [illegible] C 11:00PM-7:00AM (8.00)

Caregiver Monthly Schedule

4/28/2014 - 11/9/2014

Exhibit (F

Smith, Stacey

1632 Havana Ave SW
Wyoming, MI 49509

10-15-14;04:27PM;

August 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
[illegible]	28	29	30	31 S 3:00PM-5:00PM (2.00) David's House, -HHA	1 C 7:00PM-11:00PM (4.00) C 11:00PM-12:00AM (1.00)	2 C 12:00AM-7:00AM (7.00) C 7:00PM-11:00PM (4.00) C 11:00PM-7:00AM (8.00)
[illegible]	4	5	6	7	8 C 7:00PM-11:00PM (4.00) C 11:00PM-12:00AM (1.00)	9 C 12:00AM-7:00AM (7.00) C 7:00PM-11:00PM (4.00) C 11:00PM-[illegible]
[illegible]	11	12	13	14 C 3:00PM-5:00PM (2.00) David's House, -HHA	15	16
17	18	19	20	21 C 3:00PM-5:00PM (2.00) David's House, -HHA	22	23
[illegible]	25	26 C 3:00PM-5:00PM (2.00) David's House, -HHA	27	28 S 3:00PM-5:00PM (2.00) David's House, -HHA	29	30
[illegible]	1	2	3	4 C 3:00PM-5:00PM (2.00) David's House, -HHA	5	6

;616 531 5852

4/ 6

Caregiver Monthly Schedule

4/28/2014 - 11/9/2014

EXhibit(F)

Smith, Stacey

1632 Havana Ave SW
Wyoming, MI 49509

September 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
[illegible]	1	2	3	4 C 3:00PM-5:00PM (2.00) David's House, -HHA	5	6
7	8	9 C 3:00PM-5:00PM (2.00) David's House, -HHA	10	11 C 3:00PM-5:00PM (2.00) David's House, -HHA	12	13
14	15	16 C 3:00PM-5:00PM (2.00) David's House, -HHA	17	18	19	20
21	22	23 C 3:00PM-5:00PM (2.00) David's House, -HHA	24	25 C 3:00PM-5:00PM (2.00) David's House, -HHA	26	27
[illegible]	29	30 C 3:00PM-5:00PM (2.00) David's House, -HHA	1	2 C 3:00PM-5:00PM (2.00) David's House, -HHA	3	4

Caregiver Monthly Schedule

4/28/2014 - 11/9/2014

Exhibit (F)

Smith, Stacey

1632 Havana Ave SW
Wyoming, MI 49509

10-15-14;04:27PM;

October 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
[illegible]	29	30 C 3:00PM-5:00PM (2.00) David's House, -HHA	1	2 C 3:00PM-5:00PM (2.00) David's House, -HHA	3	4
[illegible]	[illegible]	7	8	9	10	11
[illegible]	13	14	15	16	17	18
[illegible]	20	21	22	23	24	25
[illegible]	27	28	29	30	31	1

;616 531 5852

6/ 6

Confidential

rptScheduleMonthIndividual requested by (10067)Lenny on 10/15/2014 4:24 PM

14-J9462

EXhibit (G)

Incident Report

On October 5, 2014, while returning from a Tigers Baseball Game with his brother Kyle Heys, Kevin reported to his brother that his penis was "touched and caressed" by Stacey Smith, PT provider, employed by Health Care Associates, while at David's House Ministries, in his room, on his bed. Kevin is unclear about specific dates and stated that this happened at least three different times.

Kyle contacted his mother, Gwen Heys, who then contacted David's House Ministries to set up a meeting on Tuesday, October 7, 2014. Kyle and Gwen met with Ann Braford, Director of David's House Ministries, Shane Metzger, Director of Operations, and Ruth Bonfiglio, House 3 Manager at David's House, where Kevin resides.

Kyle further spoke with Kevin on October 7, 2014. Kevin reported that "the first time Stacey touched his penis, Stacey asked Kevin" Do You Want Me To Put My Hand In Your Pants?" Kevin stated that Stacey put his hand under Kevin's belt inside his pants and "massaged me down there". Kevin shared that "Stacey also asked about taking him to a hotel". Kevin stated that Stacey wanted to meet his mother and brother.

Admission

I never said brother

How Could I have done this if he had a belt on and fastened Give ie,

Exhibit (H)

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

* * * * * * * * * * *

THE PEOPLE OF THE STATE OF MICHIGAN
vs
STACEY Rendill SMITH

CASE: 62A - WYOMING: 14FY3713

OFFENSE: CSC 2ND - Mentally Disabled Relationship (2CTS)

PRELIMINARY EXAM: 11/12/2014 at 11:00 AM

BOND: 10,000 PR – POSTED

ADDRESS: 1632 HAVANA AVE SW, WYOMING MI 49509
DOB: 3/12/69

ORDER DENYING REQUEST FOR COURT APPOINTED COUNSEL

In this cause, the defendant has expressed a desire to be represented by counsel and the Court, having reviewed the attached request of the defendant, determines the following:

The said defendant is not indigent and not entitled to a court appointed attorney. The defendant is expected to employ counseling of his choosing or be prepared to represent themselves.

? Who is this →

[signature]

Circuit Judge

Date: November 3, 2014

Attest: A True Copy
MB

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

Exhibit (O)

THE PEOPLE OF THE STATE OF MICHIGAN

Circuit Court No. ~~[illegible]~~

vs

Stacey R. Smith

WAIVER OF CIRCUIT COURT ARRAIGNMENT ON INFORMATION

1. The undersigned defendant and attorney hereby acknowledge that defendant has received a copy of the information, has read or had it read or explained to the defendant, understands the substance of the charge, and waives Circuit Court arraignment in open court.

2. Defendant (check one):

X Pleads not guilty
OR
_____ Stands mute

3. A preliminary examination transcript is requested (check one):

_____ Yes
X No

DATE: 11/19/14

[signature]
Defendant's signature

[signature]
Attorney's signature

Residence Address:
1632 Havana Ave SW
Wyoming, MI 49509
Telephone:
616 238-6432

Office Address:
15 Ionia SW #530
G.R. Mich 05
Telephone:
616 458 3791

NOTE: Arraignments are conducted before the Circuit Court Presiding Judge at 9:00 A.M. each Friday morning, as noticed, for defendants represented by lawyers who have not executed waivers and for defendants not represented by lawyers. If a guilty plea is to be offered, contact should be made with the Prosecutor's Office.

EXHIBIT (P)

JM

STATE OF MICHIGAN 62A DISTRICT COURT	BIND OVER/TRANSFER AFTER PRELIMINARY EXAMINATION FELONY	CASE NO.: DISTRICT: CIRCUIT:

Circuit Court ORI: MI-410025J

THE PEOPLE OF THE STATE OF MICHIGAN v	Defendant's name and address SMITH, STACEY RENDIL 1632 HAVANA AVENUE SW WYOMING, MI 49509	Victim or complainant KEVIN HENRY HEYS Complaining Witness OFFICER PHILIP SWIERCZ
Co-defendant(s)		Date: ON OR ABOUT 06/01/2014

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
WYOMING	KENT		41 14 012630 99		03/12/1969

Police agency report no.	Charge	Defendant DLN	Location	Maximum Penalty
WY1429462	See Complaint	S530777734189	2387 BANNER DR SW	See Complaint

Reporter/Recorder	Cert. no.	Represented by counsel	Bar no.

EXAMINATION WAIVER

1. I, the defendant, understand:
   a. I have a right to employ an attorney.
   b. I may request a court appointed attorney if I am financially unable to employ one.
   c. I have a right to a preliminary examination where it must be shown that a crime was committed and probable cause exists to charge me with the crime.

2. I voluntarily waive my right to a preliminary examination and understand that I will be bound over to circuit court on the charges in the complaint and warrant (or as amended).

Defendant attorney ____ Bar no. ____ Defendant [signature]

ADULT BIND OVER

☒ 3. Examination has been waived.

☐ 4. Examination was held and it was found that probable cause exists to believe both that an offense not cognizable by the district court has been committed and that the defendant committed the offense.

☒ 5. The defendant is bound over to circuit court to appear on ____ at ____ m.
Date Time

☒ on the charge(s) in the complaint.
☐ on the amended charge(s) of ____

MCL/PACC CODE

6. Bond is set in the amount of $ 0.000 . Type of bond: PR ☐ Posted

Date 11/19/14 Judge [signature] Bar no.

COPY

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

December 22, 2016

Ms. Stacey R. Smith
855 Kalamazoo Ave SE
Grand Rapids MI 49507

Dear Ms. Smith:

On behalf of Governor Rick Snyder I am responding to your recent letters. While we acknowledge the issues you are experiencing, they do not fall under the jurisdiction of this office as this appears to be a court/probation matter.

Your correspondence received most recently mentions a request for a pardon, please know that under Michigan law the commutation of sentence and pardon process originates within the Michigan Parole Board, Department of Corrections. I suggest that you contact the Board directly at (517) 373-0270 or P.O. Box 30003, Lansing, MI 48909, to express your desire to be considered for a pardon. You may also find the application on-line within the Michigan Department of Corrections website.

Sincerely,

Cheri Arwood
Executive Administrator
Legal Division

MR. STACEY R. SMITH
855 KALAMAZOO AVE SE
GRAND RAPIDS, MICHIGAN 49507.
616-350-5709.

MICHIGAN DEPARTMENT OF CORRECTIONS.
ATTENTION: TO THE MICHIGAN PAROLE BOARD.
P.O. BOX 30003.
LANSING, MICHIGAN 48909
517-373-0270.

REFERENCE: M.D.O.C.: 961806.

Dear M.D.O.C.:

I am requesting that my request for a pardon by the Governor of the State of Michigan be considered and granted. Per the instruction/suggestion of the Governor's office directly, as I have a letter enclosed from his office from Executive Administrator Cheri Arwood. Further enclosures are provided which should show the underlying basis for this request. Please take them into dire consideration as I humbly anticipate the expected reply.

Best regards:

/s/ Mr. Stacey R. Smith
ENCLOSURES.

Exhibit (Q)

THE STATE OF MICHIGAN.
62A JUDICAL COURT.

2650 De Hoop Ave SW.
Wyoming, Michigan 49509.
616-257-9814.

THE PEOPLE OF THE STATE OF MICHIGAN. THE HON.: Pablo Cortes.
CASE NO.: 14FY3713.

V. } Motion to Stay Proceedings.

Mr. Stacey R. Smith
1632 Havana Ave SW
Wyoming, Michigan 49509.
616-238-6432.

Let it be known that the defendant is respectfully entering a motion to stay proceedings with the knowledge that the defendant has not been able to obtain proper counsel. Also be advises that the defendant is not sure as to the location or time of the Preliminary Examination as to whether it is to take place at 62A at 1PM or the 17th Circuit at 11AM. The defendant has a document denying my request for a court appointed attorney and the defendant, as of 11/10/14 submitted proof of defendants indigence and inability to pay for a professional counsel.

The defendant respectfully submits a request to stay this Preliminary Examination until proper counsel has been established.

Thank you and best regards.

NOTARY:

Sworn and subscribed before me in the County of:

County	Date of Notary.
Signature of Notary.	Stamp of Notary.

EXHIBIT (R)

Mr. Stacey R. Smith
1632 Havana Ave SW.
Wyoming, Michigan 49509.
616-238-6432.

CASE NO.: 14FY3713.
HON.: PABLO CORTES.

To 62A District Court.
2650 De Hoop Ave SW.
Wyoming, Michigan 49509.
616-257-9814.

November 10, 2014.

Court Services & the 17th Judicial Circuit Court.
180 Ottawa Ave NW
Suite No.: 2100.
Grand Rapids, Michigan 49503.
616-632-5350.
616-632-5220.

Reference to: **ORDER DENYING REQUEST FOR A COURT APPOINTED ATTORNEY.**

Wednesday November 12, 2014 at 1PM.

This is a letter to contest the order denying a court appointed attorney. I was not allowed time to enter a financial statement to prove my indigence in regards to said case in question. I am currently unemployed as I have been on a medical leave of absence from my primary employer; HOME DEPOT STORE INC. located at 4900 Wilson Ave. Grandville Michigan 49519. 616-257-9559. I am providing the best means of proof of my indigence. 1. a current mortgage statement, a statement of my electric bill, gas bill, water bill, and a current filing for STATE EMERGENCY RELIEF through THE DEPARTMENT OF HUMAN SERVICES. I have not been to work since October 21, 2014 and have been seeking medical attention since that time and have not been cleared to go back to work.

FINANCIAL STATEMENT:

INCOME FOR NOVEMBER 07, 2014: $388.78 FOR MONTH OF NOVEMBER.

EXPENSES:

MORTGAGE WELLS FARGO HOME MORTGAGE: $ 346.00

DTE ENERGY (GAS): AS OF NOVEMBER 10, 2014: $ 455.00

CONSUMERS ENERGY (ELEC.) AS OF NOV 10, 2014: $337.00

WATER (CITY OF WYOMING) AS OF NOV 10, 2014: $258.00

INTERNET (AT&T) AS OF NOVEMBER 10, 2014:	**$79.00**
TOTAL EXPENSES:	**$1475.00**
MINUS INCOME FOR NOVEMBER:	**-($388.00)**
DEFICIT	**-($1087.00).**

I provided as many documents as I am able to confirm my indigence in the hopes that this information is respectfully submitted in the hopes for consideration for the approval for a court appointed attorney.

Respectfully submitted:

/s/ **Mr. Stacey R. Smith.**

Mr. Stacey R. Smith
855 Kalamazoo Ave SE
Grand Rapids, Michigan 49507.
616-350-5709.

Judicial Tenure Commission
3034 West Grand Blvd.
Suite 8-450
Detroit, MI 48202
(313) 875-5110.V.
(313) 875-5154 F.

12/29/2016.

REFERENCE: JTC CASE NO.: 2016-22385.

ATTENTION: Interim Executive Director and General Counsel Glenn Page and Vice Chair Pablo Cortes.

Dear Interim Director and Vice Chair:

In response to your results to my request for an investigation in above case number, I would like to inquire on several things. You stated that this commission is limited with the commission's jurisdiction in determining misconduct as defined by law. You also have determined no basis for misconduct with what I have submitted which would bring into question first if you even reviewed the police interview? Have you received and consider the Complaint for Writ of Mandamus? And are you protecting your own member the Vice Chair in this matter. This matter is also cultivating the interest of the news media as I have no interest in exposing myself in this matter though the interest remains by the media for it to go public. From November 29, 2016 to December 16, 2016 allows me to conclude that only 14 days were spent on deciding your jurisdiction on this matter; to where I am sure that it should have taken longer than two weeks to decide on if there were grounds for misconduct. On your site, you indicated That your jurisdiction falls under, "improper communication with only one side of the parties in a case", yet you do not detect that occurrence in what I submitted when I stated that the determination was based on an unreasonable determination of facts that the judge should have detected had he review the police interview and detected me denying the charges three times and detected coercion by Detective Swiercz in comparison to the falsified Affidavit for Probable Cause for Felony Complaint. This commission could not detect the judge's failure to find prosecution in violation of the fabricated charge of MCL 750.520C (1) (H) as I maintained that the victim and I having a friendship and not a relationship and the judge allowing this fabrication to be allowed in court as, your website states as an, "improper off the bench conduct", which I believe the judge showing favor to prosecution.

I ask that the commission re-consider their lack of jurisdiction and ability of intervention and re-examine their jurisdiction. The Pima Facie in this matter is the infringement upon my civil liberty which is protected by the Michigan Constitution were collectively the fact that article 17 was violated and is being overlooked as I mention in the letter I sent stating that this commission along with everyone else would ignore as I predicted:

Jurisdiction is also conferred by MCR 3.305 (A) (1), MCR 3.303 (A), MCR 3.303 (A) (2), and MCR 3.303 (C) 1-7, MCR 3.303 (F) (1) (a), MCR 3.303 (F) (2). Jurisdiction is proper as the protected status of Article § 17 of the Michigan Constitution of 1963: **(PRIMA FACIE)**

FALSIFIED SELF-INCRIMINATION BY DETECTIVE SWIERCSZ WITH THE AFFIDAVIT FOR PROBABLE CAUSE FOR FELONY COMPLAINT 62A Judicial District Court:

§ 17 ***Self-incrimination; due process of law; fair treatment at investigations***. Sec. 17**. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.** The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed. History: Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964. Former constitution: See Const. 1908, Art. II, § 16.

Respectfully submitted:

/s/ Mr. Stacey R. Smith

What the Commission CAN Do

Print This E-mail This

Authority

The Judicial Tenure Commission is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity, and for recommending discipline of judges by the Michigan Supreme Court. Its jurisdiction includes all active judicial officers, as that term is defined in the Michigan Court Rules.

The Commission's authority over judicial officers extends beyond the person's tenure in office if one of two requirements is met. First, if a Request for Investigation is filed while the individual holds the judicial position, the Commission retains jurisdiction even after the person leaves office. Second, if the conduct in question is related to a person's judicial office, the Commission has jurisdiction over the individual regardless of when the Request for Investigation is filed.

Judicial Misconduct

The Commission's authority is limited to investigating alleged judicial misconduct and, if warranted, recommending the imposition of discipline by the Michigan Supreme Court. Judicial misconduct usually involves conduct in conflict with the standards set forth in the Code of Judicial Conduct. Some examples of judicial misconduct include intemperate courtroom conduct (such as yelling, rudeness, or profanity), improper communication with only one of the parties in a case, failure to disqualify in cases in which the judge has or appears to have a financial or personal interest in the outcome, delay in performing judicial duties, and public comment about the pending case. Judicial misconduct also may involve improper off-the-bench conduct such as driving under the influence of alcohol or even soliciting money on behalf of charitable organizations. The allegations made in each grievance are considered on a case-by-case basis in accordance with the Code of Judicial Conduct.

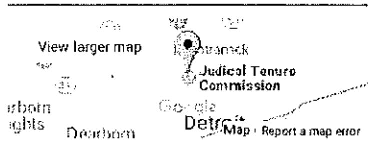
Additional Resources

Please refer to the "Complaint Process," "FAQs," and "Legal Authority" tabs on the Home Page for more detailed information on the Commission's jurisdiction and procedures.

OUR ADDRESS/PHONE

Judicial Tenure Commission
3034 West Grand Blvd.
Suite 8-450
Detroit, MI 48202
(313) 875-5110

FIND US



LINKS OF INTEREST

- Attorney Grievances
- State Bar of Michigan
- Attorney Discipline
- U.S. Sixth Circuit
- Michigan Courts
- State of Michigan

Are You Protecting Pablo
— Are You in receipt of the complaint for writ of mandamus

MICHIGAN CODE OF JUDICIAL CONDUCT

Canon 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge should always be aware that the judicial system is for the benefit of the litigant and the public, not the judiciary. The provisions of this code should be construed and applied to further those objectives.

Canon 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

A. Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

B. A judge should respect and observe the law. At all times, the conduct and manner of a judge should promote public confidence in the integrity and impartiality of the judiciary. Without regard to a person's race, gender, or other protected personal characteristic, a judge should treat every person fairly, with courtesy and respect.

→ Judge stating "I don't care, Charge him with gross indecency!"

Does this sound respectful?

C. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment. A judge should not use the prestige of office to advance personal business interests or those of others, but participation in activities allowed in Canon 4 is not a violation of this principle.

→ Judge was observed at my Job (in the cancer complaint) along with the Prosecutor doing the same, Karen Bramble

D. A judge should not appear as a witness in a court proceeding unless subpoenaed.

E. A judge may respond to requests for personal references.

F. A judge should not allow activity as a member of an organization to cast doubt on the judge's ability to perform the function of the office in a manner consistent with the Michigan Code of Judicial Conduct, the laws of this state, and the Michigan and United States Constitutions. A judge should be particularly cautious with regard to membership activities that discriminate, or appear to discriminate, on the basis of race, gender, or other protected personal characteristic. Nothing in this paragraph should be interpreted to diminish a judge's right to the free exercise of religion.

→ Pablo Cortes. Judicial Tenure Commission's Vice Chair?

(d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

(e) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require a similar abstention on the part of court personnel subject to the judge's direction and control. This subsection does not prohibit a judge from making public statements in the course of official duties or from explaining for public information the procedures of the court or the judge's holdings or actions.

(7) A judge should prohibit broadcasting, televising, recording, or taking of photographs in or out of the courtroom during sessions of court or recesses between sessions except as authorized by the Supreme Court.

(8) A judge may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but the judge should bear in mind that undue interference, impatience, or participation in the examination of witnesses, or a severe attitude on the judge's part toward witnesses, especially those who are excited or terrified by the unusual circumstances of a trial, may tend to prevent the proper presentation of the cause, or the ascertainment of truth in respect thereto.

Conversation between the judge and counsel in court is often necessary, but the judge should be studious to avoid controversies that are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. In addressing counsel, litigants, or witnesses, the judge should avoid a controversial manner or tone.

Judge Buth going along with prosecution with the knowledge of the fabricated charge and the detective's deceptive methodology.

A judge should avoid interruptions of counsel in their arguments except to clarify their positions, and should not be tempted to the unnecessary display of learning or a premature judgment.

(9) A judge should adopt the usual and accepted methods of doing justice; avoid the imposition of humiliating acts or discipline, not authorized by law in sentencing and endeavor to conform to a reasonable standard of punishment and not seek popularity or publicity either by exceptional severity or undue leniency.

(10) Without regard to a person's race, gender, or other protected personal characteristic, a judge should treat every person fairly, with courtesy and respect. To the extent possible, a judge should require staff, court officials, and others who are subject to the judge's direction and control to provide such fair, courteous, and respectful treatment to persons who have contact with the court.

B. Administrative Responsibilities:

Transmission Report

Date/Time	12-29-2016	15:07:54	Transmit Header Text	
Local ID 1	123		Local Name 1	Fax

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

Mr. Stacey R. Smith
855 Kalamazoo Ave SE
Grand Rapids, Michigan 49507.
616-350-5709.

Judicial Tenure Commission
3034 West Grand Blvd.
Suite 8-450
Detroit, MI 48202
(313) 875-5110.V.
(313) 875-5154 F.

12/29/2016.

REFERENCE: JTC CASE NO.: 2016-22385.

ATTENTION: Interim Executive Director and General Counsel Glenn Page and Vice Chair Pablo Cortes.

Dear Interim Director and Vice Chair:

In response to your results to my request for an investigation in above case number, I would like to inquire on several things. You stated that this commission is limited with the commission's jurisdiction in determining misconduct as defined by law. You also have determined no basis for misconduct with what I have submitted which would bring into question first if you even reviewed the police interview? Have you received and consider the Complaint for Writ of Mandamus? And are you protecting your own member the Vice Chair in this matter. This matter is also cultivating the interest of the news media as I have no interest in exposing myself in this matter though the interest remains by the media for it to go public. From November 29, 2016 to December 16, 2016 allows me to conclude that only 14 days were spent on deciding your jurisdiction on this matter; to where I am sure that it should have taken longer than two weeks to decide on if there were grounds for misconduct. On your site, you indicated That your jurisdiction falls under, "improper communication with only one side of the parties in a case", yet you do not detect that occurrence in what I submitted when I stated that the determination was based on an unreasonable determination of facts that the judge should have detected had he review the police interview and detected me denying the charges three times and detected coercion by Detective Swiercz in comparison to the falsified Affidavit for Probable Cause for Felony Complaint. This commission could not detect the judge's failure to find prosecution in violation of the fabricated charge of MCL 750.520C (1) (H) as I maintained that the victim and I having a friendship and not a relationship and the judge allowing this fabrication to be allowed in court as, your website states as an, "improper off the bench conduct", which I believe the judge showing favor to prosecution.

Total Pages Scanned : 10 Total Pages Confirmed : 10

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	326	313 875 5154	15:05:17 12-29-2016	00:01:57	10/10	1	EC	HS	CP24000

Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STACEY R. SMITH,

Plaintiff,

v.

GEORGE S. BUTH,

Defendant.
______________________________/

Case No. 1:16-cv-1381
Hon. Paul L. Maloney

ORDER

This matter is now before the Court on *pro se* plaintiff's "letter motion" for appointment of counsel (docket no. 7). "Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993). Appointment of counsel is within the court's discretion, *Glover v. Johnson*, 75 F.3d 264, 268 (6th Cir. 1996). In determining whether exceptional circumstances exist, the court should consider the type of case, the plaintiff's ability to represent himself, and the complexity of the factual and legal issues involved. *Lavado*, 992 F.2d at 606. Plaintiff has not presented any extraordinary circumstances that warrant the appointment of counsel in this matter. Accordingly, plaintiff's motion for appointment of counsel (docket no. 7) is **DENIED**.

IT IS SO ORDERED.

Dated: January 4, 2017

/s/ Ray Kent
RAY KENT
United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STACEY R. SMITH,

Plaintiff,

v.

Case No. 1:16-cv-1381
Hon. Paul L. Maloney

GEORGE S. BUTH,

Defendant.
_______________________________/

REPORT AND RECOMMENDATION

This is a civil action brought by a *pro se* plaintiff, who was allowed to file the present action *in forma pauperis* pursuant to § 1915. This action is subject to judicial screening under 28 U.S.C. § 1915(e)(2)(B), which provides that the Court "shall dismiss" actions brought *in forma pauperis* "at any time if the court determines that . . . the action . . . (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." For the reasons discussed below, plaintiff's "Complaint of judicial misconduct or disability" (docket no. 1) should be dismissed.

I. Discussion

In determining whether a complaint should be dismissed for failure to state a claim under § 1915(e)(2), the Court applies the dismissal standard articulated in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corporation v. Twombly*, 550 U.S. 544 (2007). *See Hill v. Lappin*, 630 F.3d 468, 470-71 (6th Cir. 2010).

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face." A

Second, plaintiff has failed to state a claim against defendant. This Court does not discipline state court judges for alleged judicial misconduct. "Federal courts do not supervise or monitor the state courts or state court judges." *Morris v. Tennessee*, No. 06-2007-M1/P, 2006 WL 1579575 at *2 (W.D. Tenn. May 31, 2006). In this regard,

> Federal courts have no authority to issue writs of mandamus to direct state officials to conform their conduct to state law. *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89 (1984); *Haggard v. Tennessee*, 421 F.2d 1384 (6th Cir. 1970).

MacLeod v. Pavlich, No. 2:16-CV-240, 2016 WL 6775474 at *2 (W.D. Mich. Nov. 16, 2016). Accordingly, plaintiff's complaint should be dismissed for failure to state a claim on which relief may be granted pursuant to § 1915(e)(2)(B)(ii).

Third, plaintiff's complaint is barred because judges are entitled to absolute judicial immunity from suits arising out of the performance of their judicial functions. *Mireles v. Waco*, 502 U.S. 9, 9-11 (1991); *Pierson v. Ray*, 386 U.S. 547, 553-54 (1967); *Brookings v. Clunk*, 389 F.3d 614, 617 (6th Cir. 2004). "A judge is absolutely immune from liability for his judicial acts even if his exercise of authority is flawed by the commission of grave procedural errors." *Stump v. Sparkman*, 435 U.S. 349, 359 (1978). A judge will not be deprived of immunity because the action he took was in error or exceeded his authority. *Mireles,* 502 U.S. at 12-13. Judicial immunity applies "however erroneous the act may have been, and however injurious in its consequences it may have proved to the plaintiff." *Cleavinger v. Saxner*, 474 U.S. 193, 199-200 (1985) (*quoting Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 347 (1872)). As the Supreme Court explained in *Forrester v. White*, 484 U.S. 219 (1988):

> If judges were personally liable for erroneous decisions, the resulting avalanche of suits, most of them frivolous but vexatious, would provide powerful incentives for

II. RECOMMENDATION

For the foregoing reasons, I respectfully recommend that plaintiff's action be **DISMISSED**.

Dated: January 4, 2017

/s/ Ray Kent
RAY KENT
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be served and filed with the Clerk of the Court within ten (10) days after service of the report. All objections and responses to objections are governed by W.D. Mich. LCivR 72.3(b). Failure to serve and file written objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn,* 474 U.S. 140 (1985); *United States v. Walters,* 638 F.2d 947 (6th Cir. 1981).

IN THE UNITED STATES OF AMERICA.
U.S. DISTRICT COURT.
WESTERN DISTRICT OF THE STATE OF MICHIGAN.
IN THE COUNTY OF KENT.

CASE NO.: 1411012-FH
BEFORE THE HONORABLE: JUDGE BUTH.
MCL 750.520E
AT A SESSION IN THE 17TH JUDICIAL CIRCUIT COURT

FINAL DRAFT: DISREGARD ALL OTHER CORRESPONDENCE WITHOUT THIS MARK.

PEOPLE OF THE UNITED STATES AND THE STATE OF MICHIGAN:

MR. STACEY R. SMITH
855 KALAMAZOO AVE SE
GRAND RAPIDS, MICHIGAN 49507.
616-350-5709.
(PETITIONER PRO SE INFORMA PAUPERIS).

RE-ADDRESSED (REVISED).
CASE NO.: 1:16-cv-01381.
HON.: PAUL L. MALONEY.
REFERRED TO: HON. RAY KENT.

PLAINTIFF,

MICHWORKS
121 Franklin Ave Grand Rapids, MI 49507.

VS. }

MOTION FOR CLARITY AND AUTHORIZATION TO UTILIZE COMPUTER FACILITIES AT MICHWORKS ON FRANKLIN ST. TO SEEK EMPLOYMENT. AND AFFIRMATION AND DEFENSE.

COMPLAINT FOR JUDICIAL MISCONDUCT OR DISABILITY.

GEORGE S. BUTH P-11479 (PRESIDING JUDGE).
180 OTTAWA AVE NW
SUITE NO.: 12200A.
GRAND RAPIDS, MICHIGAN 49503.
616-632-5020.
(RESPONDENT).

DEFENDANT,

RESUBMITTED AND REVISED 01/03/2017.

_______________________________________/

NOW ENTERS THE PLAINTIFF, with a motion for clarity and a request to seek employment at the computer facility at the Michworks facility on Franklin Ave to seek employment. The reason I have extended and attempted to reach out to the federal courts, is because of the added confusion which has been brought on by the decision handed down by Federal Judge Robert Cleland on the east side of this state. After my exhausting attempt to remain in compliance, I am in discovery of things which I cannot understand and am not able to comply with in regards to the conditions that I must follow. After inquiring about whether or not I am able to seek employment at the Michworks facility from my probation officer, a one Mr. Steven Meyers, I was given permission NOT WRITTENAUTHORIZATION to seek employment however I also reviewed the stipulations of my probation and discovered that:

1. My conditions state that I may (NOT) utilize the internet both DIRECTLY OR INDIRECTLY and by permission of the probation officer would be INDIRECTLY, and would be a violation and to prove as such, to be given permission and not WRITTEN AUTHORIZATION would remain in line with me violating the conditions of my probation.

2. To justify this for example. Not that my probation officer would, but if he were to at any time deny PERMISSION to utilize the facility and I do not possess written proof, the probation officer could then violate me and I would have no way of proving the PERMISSION NOT AUTHORIZATION.
3. I inquired with my own defense counsel and Mr. John R. Beason stated that there was nothing else that he could do which compels me and justifies me to request clarity through this motion on a federal level as well as a state level.
4. I am also in receipt, after reviewing the case on 11/14/2016, that there was information in the file that I discovered was *false* and not accurate when I read the Affidavit of Probable Cause For Felony Complaints from the 62A District court from a one Detective Swiercz from the Wyoming Police Department stating that I admitted to the elements that he stipulated in the affidavit. THIS IS NOT TRUE AND HE FALSIFIED THIS DOCUMENT TO PROMPT THE ARREST AND CONVICTION THAT I AM CURRENTLY UNDER. I stated to my defense counsel and he maintains that there is nothing that he can do.
5. The detective stated on the affidavit that I admitted to engaging in the act of sexual contact with a mentally disable person being in a position of authority:

6. My affirmation and Defense response to this is DENIED. I never had a chance or opportunity to defend myself as my own defense counsel went along with prosecution and never challenge the prosecutor AT ALL.
7. Where the detective stated that I admitted to kissing said victim in question and admitted to a word that is not even legible on the affidavit but may infer touching the victims penis:

8. My affirmation and defense response to this is DENIED.

9. After discovery of this document to which I never seen or had knowledge of before or during the case or hearing, it clearly reveals to me that Mr. Joshua Kuiper along with

especially Detective Swiercz set out on a campaign to entrap me and destroy my life with *malice*. Detective Swiercz deceived me or used a deceptive practice in an effort to find anything that he could use to convict me. Detective Swiercz crossed out the top of the statement document from W.P.D. Creating the illusion that I was not under arrest were he deliberately used a deceptive practice to coerce me into a false self-incriminating statement that he then immediately constructed said felony probable cause complaint for my arrest. He also implied that there was a video caption from a nanny cam but was not produced in defense counsels Discovery Motion.

I continue to maintain, THAT I DID NOT ADMIT TO THE CHARGES AS HE STATED IN THE COMPLAINT. DET. SWIERCZ FALSIFIED THIS DOCUMENT. I DID NOT ADMIT TO THE CHARGES DURING THE PLEA. WHEN THE JUDGE ASKED ME IF I WAS GUILTY OF THE EXACT SAID CHARGE AND I PAUSED, LOOKED AT MY DEFENSE COUNSEL AND MR. BEASON MODIFIED THE QUESTION TO WHERE THE JUDGE THEN ASK IN A DIFFERENT MANNER WHICH DID NOT PERTAIN TO THE EXACT CHARGE, AND THEN PUSHED THE CASE THROUGH. THIS ALL SEEMED SET UP EVEN WITH THE JUDGE IN COOPERATION.

Through all of this I would like to request an investigation for prosecutorial and judicial misconduct.

-I ALSO CHALLENGE OF ALL THE WITNESSES THAT DETECTIVE SWIERCZ COMILED TOGETHER TESTIFY THAT ANY OF THE WITNESSES (ACTUALLY WITNESSED ME COMMIT SAID OFFENSES IN QUESTION?)

-VICTIM INDICATED IN THE STATEMENT TAKEN BY DETETIVE SWIERCZ STATING, "THAT HE WAS NOT HURT FROM SAID INCIDENT."

-ALSO THE OTHER CLARITY TO WHICH I SEEK IS THE UNDERSTANDING WHY I AM PROHIBITED FROM USING THE INTERNET WHEN MY CHARGE HAD NOTHING TO DO WITH THE INTERNET?

-ALSO MY CHARGE DID NOT INVOLVE CHILDREN THOUGH I WAS SUBJECTED TO THE SCHOOL SAFETY ZONE RESTRICTION AND CAUSING ME TO LOSE MY HOME?

-I HAVE CONGREGATED AROUND OTHER INDIVIDUALS UNDER S.O.R.A. , (ALL WHITE) INDIVIDUALS AND I AM IN RECEIPT OF INFORMATION THAT THEY ARE NOT UNDER THESE REQUIREMENTS WITH THE KNOWLEDGE THAT THEIR OFFENSE DID INVOLVE CHILDREN, YET THEY HAVE ADMITTED TO GOING TO PARKS, USING THE INTERNET, SMARTPHONES, ALL THE WAY UP TO CARRYING A FIRE ARM TO WORK? WHY ARE THESE INDIVIDUALS ALLOWED TO SUPERCEDE S.O.R.A?

After all of this, I am now faced with the struggle of finding a job with no real way to seek employment when every employer requires the internet. I lost my home because of the school safety zone and after consulting with a post-conviction attorney, Nancy Ballast, she only recommended a letter to the City Attorney to ask if he/she would be willing to provide a letter not enforcing the school safety zone, to which I am aware would not have worked even if the City

Attorney provided the letter. These are some examples of the difficulties that The MSP Director and State Senators have created for individuals now confined to S.O.R.A.

I respectfully submit this request to please further advise with order enclosed.

Respectfully submitted:

/s/ Mr. Stacey R. Smith.

Post Script: EXHIBITS (Q) and (R), I was even denied court appointed counsel when I proved my indigence.

NOTARY AND PROOF OF SERVICE.

MOTION FOR AUTHORIZATION. COMPLAINT FOR JUDICIAL MISCONDUCT.

ATTENTION NOTARY: SIGNATURE OF MR. STACEY R. SMITH ONLY.

SUBSCRIBED AND SWORN BEFORE ME THIS 4th DAY OF January 2017

IN THE COUNTY OF:

Kent
COUNTY

SIGNATURE OF NOTARY

STATE OF NOTARY:

SHONDA JAMES
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF KENT
MY COMMISSION EXPIRES 08/05/2019
Acting in the County of Kent

STAMP OF NOTARY

MY COMMISSION EXPIRES.

SIGNATURE OF MR. STACEY R. SMITH ONLY.

PROOF OF SERVICE.

I certify under the penalty of perjury of the State of Michigan, that I mailed a true copy of this document to the addresses above on this 4th day of January 2017 A.D. by US first class mail.

IN THE UNITED STATES OF AMERICA.
U.S. DISTRICT COURT.
WESTERN DISTRICT OF THE STATE OF MICHIGAN.
IN THE COUNTY OF KENT.

CASE NO.: 1411012-FH
BEFORE THE HONORABLE: JUDGE BUTH.
MCL 750.520E
AT A SESSION IN THE 17TH JUDICIAL CIRCUIT COURT

FINAL DRAFT: DISREGARD ALL OTHER CORRESPONDENCE WITHOUT THIS MARK.

PEOPLE OF THE UNITED STATES AND THE STATE OF MICHIGAN:

RE-ADDRESSED (REVISED).
CASE NO.: 1:16-cv-01381.
HON.: PAUL L. MALONEY.
REFERRED TO: HON. RAY KENT.

MR. STACEY R. SMITH
855 KALAMAZOO AVE SE
GRAND RAPIDS, MICHIGAN 49507.
616-350-5709.
(PETITIONER PRO SE INFORMA PAUPERIS).

PLAINTIFF,

VS. } **SUPPLEMENTAL BRIEF IN SUPPORT OF COUNTER-COMPLAINT.**

COMPLAINT FOR JUDICIAL MISCONDUCT OR DISABILITY.

GEORGE S. BUTH P-11479 (PRESIDING JUDGE).
180 OTTAWA AVE NW
SUITE NO.: 12200A.
GRAND RAPIDS, MICHIGAN 49503.
616-632-5020.
(RESPONDENT).

DEFENDANT,

RESUBMITTED AND REVISED 01/03/2017.

______________________________________/

NOW ENTERS THE PLAINTIFF, to respectfully submit or file a supplemental brief in support of counter-complaint in an effort to provide the necessary information to which I feel should be taken into dire consideration while in discovery of certain information that should prove the intent of coercion and entrapment by practically all the individuals who were involved in this case.

I AM ALSO ATTEMPTING TO CONTACT MICHIGAN STATE TROOPER ANTHONY MAE WHO MAY POSSIBLY POSE AS A WITNESS IN PROVIDING AND IMPACT CHARACTER STATEMENT IN REGARDS TO MY CHARACTER AS HE KNOWS ME PERSONALLY.

1. Detective Swiercz knew I resided in a school safety zone which motivated him to pursue this matter.

2. The detective completely ignored my side of the story, nor was it taken into consideration. I was the one, for example, that insisted on speaking with the victim's mother before I was to go out with the victim at the victims request. Detective Swiercz stated that the victim suggested this. This is *false*. In the video interview I stated that I insisted that someone get involved before we go out. THIS ALONE SHOULD HAVE CAST DOUBT.

3. In regards to the Felony Complaint, IF YOU WERE TO NOTICE THAT THE DATE OF OCCURENCE DET SWIERCZ PUT ON THE COMPLAINT WAS 04/01/14 AND THEN HE DATED IT FOR 06/01/14. BE ADVISE YOUR HONOR, I DID NOT START THE DAVID'S HOUSE UNTIL 06/13/14 WHICH WAS MY ORIENTATION DATE. THIS IS INCONSISTENT. HE ALSO STATED THAT I WAS THERE ON 06/01/14 AT 18:01 OR 6PM. I NEVER WORKED A SHIFT PASSED 5PM. THIS IS ALSO INCONSISTENT AND MY DEFENSE COUNSEL WAS AWARE AND JUST BRUSHED IT ASIDE WITH OUT CHALLENGING IT. (PLEASE REFER TO WORK SCHEDULE ENCLOSED.)

4. THE VICTIM ALSO WORE A DIAPER AT ALL TIMES ALONG WITH THE CATHETER WHICH MAKES IT IMPOSSIBLE FOR ME TO COMMIT SAID OFFENSE. (AND THE VICTIM HAD A BELT ON AT THE TIME AS WELL).

5. Detective Swiercz also lied when he indicated that he was not aware of my current working status. Not only was I employed at Health Care Associates, I was also employed at Home Depot in Grandville, Michigan were he called me on my cell phone to inform me that I was under arrest and that if I did not turn myself in, that he would come out there and arrest me on the sales floor.

6. By the detective lying about this, SHOULD ALSO CAST DOUBT.

7. Collectively, this all should display coercion and entrapment and should be recognized as a gross violation of DUE PROCESS:

(A.) By being denied proper counsel and being denied court appointed counsel.

(B.) Defense counsel stating, "You know you will have to register as a

sex offender", which clearly displays his intent to go along with prosecution. This was before the case even began.

(C.) In the minutes of the police interview, I denied the occurrence 3 times. And would like to list the minutes in detail for direct reference as I have enclosed the video for review.

ITEMIZATION OF DETAILS IN POLICE INTERVIEW:

MINUTES:

19:45 – DENIED ALLEGATIONS.

20:58 - DETECTIVE AFFIRMING VICTIM'S COGNITION.

22:50 – POLICY (NO).

25:10 – CATHETER.

25:45 – COGNITION.

25:35 – DETECTIVE STATES HE WILL BE RIGHT BACK AND RETURNS WITH BLANK DVD IN AN EFFORT TO COMPOUND COERCION AND ENTRAPMENT.

33:20 – DVD PLACED ON DESK.

33:48 – ACT OF COERCION AND ENTRAPMENT.

35:54 – VICTIM STATES HE WAS NOT APPAULED BY THIS WHICH INFERES THAT SOMEONE ELSE WAS IMPLYING THAT THE ALLEGED ACT WAS UNWANTED. (VICTIMS BROTHER KYLE).

39:09 – HE IMPLIED TOUCHING.

41:35 – SECOND DENIAL TO ALLEGED CHARGES.

41:58 – I IMPLIED CHEEK TO CHEEK.

42:50 – I STATE THAT THE VICTIM WAS THE PERSISTANT INITIANT.

43:46 – THE SAME AS MINUTE 42:50 VICTIM WAS PERSISTANT INITIANT.

45:53 – I DID NOT BRING THIS UP.

EXHIBIT (N) ***49:50 – I IDENTIFIED THE INCIDENT AS A FRIENDSHIP NOT RELATIONSHIP. THE DETECTIVE AND PROSECUTOR USED THIS TO MISCONSTRUE THIS TO MAKE IT APPEAR AS A RELATIONSHIP TO FALL UNDER MCL 750.520 C (1) (H).***

48:45 – DETECTIVE SWIERCZ USING MISLEADING STATEMENTS IN AN EFFORT TO COERCE AND ENTRAP.

50:35 – CHECKING CATHETER.

52:03 – THE DETECTIVE STATING THAT THERE WAS A NANNY CAM WHICH PROMPTED THE DISCOVERY MOTION BY DEFENSE COUNSEL AND WAS NOT PRODUCED BY PROSECUTION.

53:33 – DETECTIVE NOT BEING TRUTHFUL BY GIVING ME THE IMPRESSION THAT PROSECUTION WOULD DECIDE THE CHARGES AS HE WAS THE ONE I DISCOVERED FILING THE FELONY PROBABLE CAUSE COMPLAINT WHICH TRIGGERED ARREST AND CONVICTION. (ENTRAPMENT).

1:01:10 – 3RD DENIAL OF ALLEGED CHARGES.

1:04:40 – MISCONSTRUED COERCION.

In summary, your Honor, I denied the charges 3 times on minutes 19:45, 41:35, and 1:01:10 and coercion was used by Detective Swiercz on minutes 33:48, 37:57, and 1:04:40.

Also your Honor, while the case was in progress, I witness Detective Swiercz at my job at Uhaul lurking around and I called my defense counsel to see why he was there and never found out why, I had Prosecutor Kevin Bramble P-38380, come through my lane at Sam's Club with a smirk on his face. I said nothing and rang up his items to get him out of the lane, and also Judge Buth P-11479 who also paid a visit at Sam's Club at a different time as Kevin Bramble. These are some of the things I had to endure all through and after the proceedings.

I seek complete and total relief you Honor if it so convinces this honorable court.

Thank you and best regards:

/s/ Mr. Stacey R. Smith

NOTARY AND PROOF OF SERVICE.

SUPPLEMENTAL BRIEF IN SUPPOURT OF COUNTER-COMPLAINT.

ATTENTION NOTARY: SIGNATURE OF MR. STACEY R. SMITH ONLY.

SUBSCRIBED AND SWORN BEFORE ME THIS 4th DAY OF January 2017

IN THE COUNTY OF:

Kent, [signature]

COUNTY SIGNATURE OF NOTARY

STATE OF NOTARY:

SHONDA JAMES
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF KENT
MY COMMISSION EXPIRES 08/05/2019
County of Kent

STAMP OF NOTARY , MY COMMISSION EXPIRES.

[signature]

SIGNATURE OF MR. STACEY R. SMITH ONLY.

PROOF OF SERVICE.

I certify under the penalty of perjury of the State of Michigan, that I mailed a true copy of this document to the addresses above on this 4th day of January 2017 A.D. by US first class mail.

Judicial Council of the 6TH Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 5 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The rules are available in federal court clerks' offices, on individual federal courts' Web sites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: MR. STACEY R. SMITH

Contact Address: 855 KALAMAZOO AVE SE

GRAND RAPIDS, MICHIGA 49507

Daytime telephone: (616) 350-5709

2. Name(s) of Judge(s): THE HONORABLE: GEORGE S. BUTH P-11479.

Court: 17TH JUDICIAL CIRCUIT COURT.

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

[✓] Yes [ ] No

If "yes," give the following information about each lawsuit:

Court: 1411012-FH

Case Number: 1411012-FH

Docket number of any appeal to the _____ Circuit: __________

Are (were) you a party or lawyer in the lawsuit?

[✓] Party [ ] Lawyer [ ] Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

MR. JOHN R. BEASON P-34095. (DEFENSE COUNSEL)

15 IONIA AVE NW GRAND RAPIDS, MICHIGAN 49503

616-458-3791

4. Have you filed any lawsuits against the judge?

[✓] Yes [ ] No

If "yes," give the following information about each such lawsuit:

Court: U.S. DISTRICT COURT WESTERN DISTRICT

Case Number: 1:16-CV-1381

Present status of lawsuit: DENIED BY MAGISTRATE JUDGE RAY KENT

Name, address, and telephone number of your lawyer for the lawsuit against the judge:

VIOLATION OF DUE PROCESS PURSUANT TO

ARTICLE 17 OF THE MICHIGAN CONSTITUTION.

N/A

Court to which any appeal has been taken in the lawsuit against the judge:

U.S. AND MICHIGAN COURT OF APPEALS

Docket number of the appeal: N/A

Present status of the appeal: N/A

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) [signature] (Date) 01-06-17

AO 83 (Rev. 06/09) Summons in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

United States of America v. MR. STACEY R. SMITH DEFENDANT PRO PER IN FORMA PAUPRIS. *Defendant*	Case No. 1411012-FH 17TH CIRCUIT COURT.

SUMMONS IN A CRIMINAL CASE

YOU ARE SUMMONED to appear before the United States district court at the time, date, and place set forth below to answer to one or more offenses or violations based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☑ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of Court

Place: 110 MICHIGAN AVE NW 399 FEDERAL BUILDING, GRAND RAPIDS, MICHIGAN 49503.	Before:
	Date and Time:

This offense is briefly described as follows:

Original Submission

MOTION FOR CLARITY AND AUTHORIZATION TO UTILIZE COMPUTER FACILITIES AT MICHWORKS ON FRANKLIN ST. TO SEEK EMPLOYMENT. AND AFFIRMATION AND DEFENSE. SUPPLEMENTAL BRIEF IN SUPPORT OF COUNTER-COMPLAINT.

Date: 01-06-17

[signature]
Issuing officer's signature

Stacey R. Smith
Printed name and title

I declare under penalty of perjury that I have:

☐ Executed and returned this summons ☐ Returned this summons unexecuted

Date: ____________

Server's signature

Printed name and title

Case No. 1411012-FH 17TH CIRCUIT COURT.

This second page contains personal identifiers and therefore should not be filed in court with the summons unless under seal.
(Not for Public Disclosure)

INFORMATION FOR SERVICE

Name of defendant/offender: P-11479, P-66576, P-38080, P34095

Last known residence: 180 OTTAWA AVE NW, 82 IONIA AVE NW, 15 IONIA AVE NW, GRAND RAPIDS, MI 49503.

Usual place of abode *(if different from residence address)*: ______

If the defendant is an organization, name(s) and address(es) of officer(s) or agent(s) legally authorized to receive service of process: 17TH CIRCUIT COURT, PROSECUTORS OFFICE, OFFICE OF DEFENSE COUNSEL.

If the defendant is an organization, last known address within the district or principal place of business elsewhere in the United States: ______

PROOF OF SERVICE

This summons was received by me on *(date)* ______.

❒ I personally served the summons on this defendant ______ at *(place)* ______ on *(date)* ______; or

❒ On *(date)* ______ I left the summons at the individual's residence or usual place of abode with *(name)* ______, a person of suitable age and discretion who resides there, and I mailed a copy to the individual's last known address; or

❒ I delivered a copy of the summons to *(name of individual)* ______, who is authorized to receive service of process on behalf of *(name of organization)* ______ on *(date)* ______ and I mailed a copy to the organizations's last known address within the district or to its principal place of business elsewhere in the United States; or

❒ The summons was returned unexecuted because: ______.

I declare under penalty of perjury that this information is true.

Date returned: ______

______
Server's signature

______
Printed name and title

Remarks: 2016-cp11070655308-A COMPLAINT NUMBER WITH THE MICHIGAN STATE ATTORNEY GENERAL.

Petition for Relief From a Conviction or Sentence By a Person in State Custody

(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)

Instructions

1. To use this form, you must be a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief.

2. You may also use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.

3. Make sure the form is typed or neatly written.

4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.

5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.

6. You must pay a fee of $5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may ask to proceed in forma pauperis (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you. If your account exceeds $ ________ , you must pay the filing fee.

7. In this petition, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different court (either in the same state or in different states), you must file a separate petition.

8. When you have completed the form, send the original and ____ copies to the Clerk of the United States District Court at this address:

   Clerk, United States District Court for the Western district of Michigan.
   113 Federal Building.
   315 West Allegan Street

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

9. **<u>CAUTION:</u> You must include in this petition all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.**

10. **<u>CAPITAL CASES:</u> If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.**

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court	District: WESTERN DISTRICT OF MICHIGAN.
Name (under which you were convicted): MR. STACEY RENDIL SMITH	Docket or Case No.: 1:16-cv-01381-PLM-RSK
Place of Confinement : PROBATIONER	Prisoner No.: 961806.
Petitioner (include the name under which you were convicted) MR. STACEY RENDIL SMITH v.	Respondent (authorized person having custody of petitioner) GEORGE S. BUTH P-11479 PRESIDING JUDGE 17TH CIRCUIT.
The Attorney General of the State of: THE HONORABLE: WILLIAM SCHUTTE.	

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:
17TH JUDICICIAL CIRCUIT COURT. 180 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503.

   (b) Criminal docket or case number (if you know): 14-11012-FH.

2. (a) Date of the judgment of conviction (if you know): 07/22/2015

   (b) Date of sentencing: 07/22/2015

3. Length of sentence: 2 YEARS PROBATION (STEVE MEYERS) P.O.

4. In this case, were you convicted on more than one count or of more than one crime? ☑ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case: COUNTS 4 THROUGH 5.

6. (a) What was your plea? (Check one)

   ☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)

   ☑ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? NOT GUILTY TO COUNTS 1-3 AND GUILTY ON COUNTS 4-5.

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☑ No

8. Did you appeal from the judgment of conviction?

☑ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: MICHIGAN COURT OF APPEALS.

(b) Docket or case number (if you know):

(c) Result: SUBMITTED AS OF 01-06-2017

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

(g) Did you seek further review by a higher state court? ☑ Yes ☐ No

If yes, answer the following:

(1) Name of court: U.S. DISTRICT COURT FOR A MOTION FOR CLARITY.`

(2) Docket or case number (if you know): 1:16-cv-01381-PLM-RSK.

(3) Result: DISMISSED BY MAGISTRATE JUDGE RAY KENT.

(4) Date of result (if you know): 01/05/2017

(5) Citation to the case (if you know): UNKNOWN.

(6) Grounds raised: VIOLATION OF ARTICLE 17 OF THE MICHIGAN COMILED LAWS OF THE STATE OF MICHIGAN OR CONSTITUTION OF 1963 ARTICLE § 17. NO PERSON SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF. (FASIFIED DOCUMENT OF PROBABLE CAUSE COMPLAINT).

(h) Did you file a petition for certiorari in the United States Supreme Court? ☑ Yes ☐ No

If yes, answer the following:

(1) Docket or case number (if you know): IT IS HOWEVER MY INTENTIONS.

(2) Result: ______

(3) Date of result (if you know): ______

(4) Citation to the case (if you know): ______

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☑ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: U.S. AND MICHIGAN COURT OF APPEALS

(2) Docket or case number (if you know): ______

(3) Date of filing (if you know): ______

(4) Nature of the proceeding: ______

(5) Grounds raised: MISCONDUCT BY PRESIDING JUDGE FOR ALLOWING INFRINGEMENT OF ARTICLE 17 OF THE MCIHIGAN CONSTITUTION AND ALLOWING SELF INCRIMINATION BY ALLOWING A FALSIFIED AFFIDAVIT FOR PROBABLE CAUSE COMPLAINT TO BE ACCEPTED AS EVIDENCE IN CONJUNCTION WITH ALLOWING THE PROSECUTORS OFFICE TO DEVIATE A FABRICATED CHARGE OF MCL 750.520 C (1) (H). SUBMITTING A BRIEF FOR WRIT OF MANADAMUS EXTRAORDINAIRE WITH EXHIBITIONS AND AN EXPARTE REQUEST FOR JUDICIAL REVIEW.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☑ No

(7) Result: PENDING.

(8) Date of result (if you know): ______

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: BRIEF FOR WRIT OF MANDAMUS EXTRAORDINAIRE.

(2) Docket or case number (if you know): ______

(3) Date of filing (if you know): ______

(4) Nature of the proceeding: ______

(5) Grounds raised: ______

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☑ No

(7) Result: N/A

(8) Date of result (if you know): ______

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: ______

(2) Docket or case number (if you know): ______

(3) Date of filing (if you know): ______

(4) Nature of the proceeding: ______

(5) Grounds raised: ______

AO 241
(Rev. 01/15)

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☑ No

(7) Result: ______________________________

(8) Date of result (if you know): ______________________________

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☑ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

____

____

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: ______________________________

____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

____

____

____

____

____

____

____

(b) If you did not exhaust your state remedies on Ground One, explain why: ______________________________

____

____

____

____

____

____

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: __________

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☑ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: __________

Name and location of the court where the motion or petition was filed: __________

Docket or case number (if you know): __________

Date of the court's decision: __________

Result (attach a copy of the court's opinion or order, if available): __________

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: __________

Docket or case number (if you know): __________

Date of the court's decision: __________

Result (attach a copy of the court's opinion or order, if available): __________

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: N/A

GROUND TWO: N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☑ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available): ______

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: ______

Docket or case number (if you know): ______

Date of the court's decision: ______

Result (attach a copy of the court's opinion or order, if available): ______

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two : ______

GROUND THREE: N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why: ______________________

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: ______________________

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: ______________________

Name and location of the court where the motion or petition was filed: ______________________

Docket or case number (if you know): ______________________

Date of the court's decision: ______________________

Result (attach a copy of the court's opinion or order, if available): ______________________

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: ______________________

Docket or case number (if you know): ______________________

Date of the court's decision: ______________________

Result (attach a copy of the court's opinion or order, if available): ______________________

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR: N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☑ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed: ______________________

____

Docket or case number (if you know): ______________________

Date of the court's decision: ______________________

Result (attach a copy of the court's opinion or order, if available): ______________________

____

____

(3) Did you receive a hearing on your motion or petition? ❒ Yes ❒ No

(4) Did you appeal from the denial of your motion or petition? ❒ Yes ❒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ❒ Yes ❒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: ______________________

____

Docket or case number (if you know): ______________________

Date of the court's decision: ______________________

Result (attach a copy of the court's opinion or order, if available): ______________________

____

____

____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

____

____

____

____

____

____

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: ______________________

____

____

____

____

____

____

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☑ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: ______________________

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: ______________________

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☑ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. VIOLATION OF MICHIGAN CONSTITUTION § 17 OF 1963.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☑ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. ______________________

AO 241
(Rev. 01/15)

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: N/A

(b) At arraignment and plea:

(c) At trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☑ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☑ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

(1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: Petition for Relief From a Conviction or Sentence.

or any other relief to which petitioner may be entitled.

____
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 01-06-17 (month, date, year).

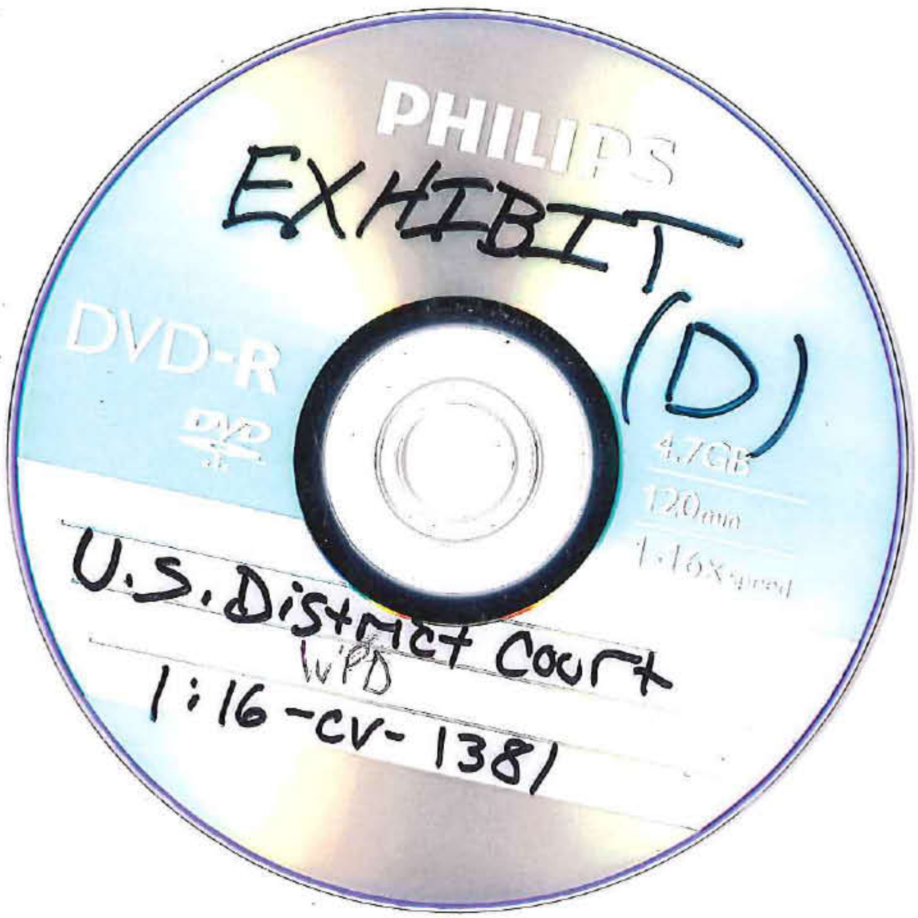
Executed (signed) on 01-06-17 (date).

____
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

... Kalamazoo Ave SE
...nd Rapids, MI 49507

U.S. Court of Appeals
Sixth Circuit
Potter Stewart U.S. Court house
Cincinnati, OHIO 45202


PHILIPS
EXHIBIT
(D)
DVD-R
4.7GB
120min
1-16X speed
U.S. District Court
WPD
1:16-cv-1381